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ABSTRACT

Background information and teaching suggestions are offered in this guide for implementing human rights ideas in existing social studies curriculum at the elementary and secondary grade levels in the United States. Emphasis is upon equal universal rights for every person as a concern of education and action. The introduction presents an address by Chief Justice Warren entitled "Continuing Action for Human Rights." The remainder of the guide is arranged into four chapters. Chapter one briefly traces the history of human rights from Hammurabi's Code up to 1945. Chapters two and three deal with man's continuing struggle for human rights after 1945 through agencies of the United Nations. These chapters focus on discussion of specific human rights documents; formation of human rights documents; conventions; the basis of, implementation problems of, and future development of human rights. In chapter four twenty strategies are suggested, ranging in scope from role playing activities to establishing a United Nations day to referral to Centers. An appendix contains twelve human rights documents. A selected human rights bibliography includes forty-six annotated book citations and lists filmstrips, phonograph records, tapes, and transparencies. (SJM)

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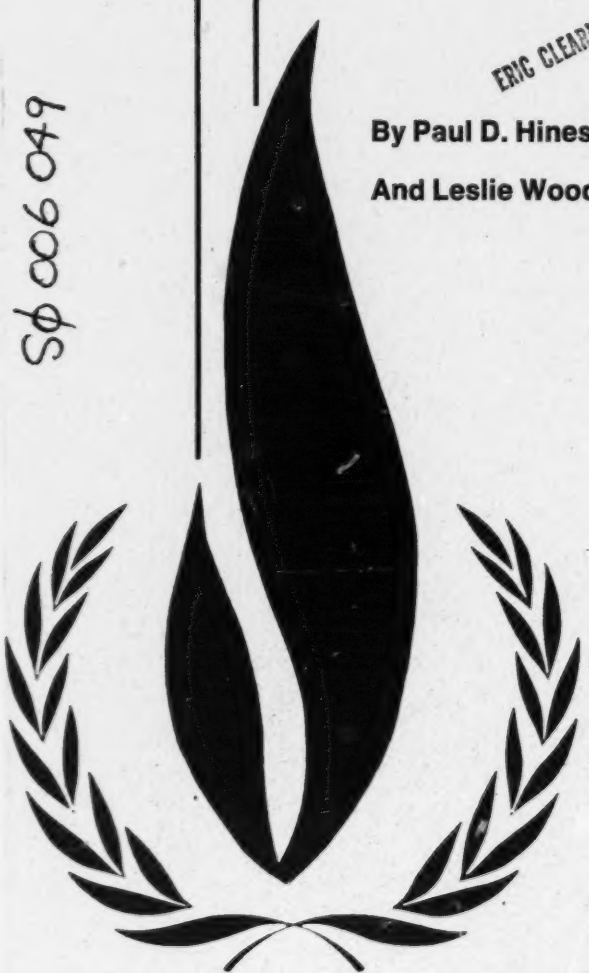
A Guide To Human Rights Education

ERIC CLEARINGHOUSE FOR SOCIAL SCIENCE EDUCATION

By Paul D. Hines

And Leslie Wood



Bulletin 43

NATIONAL COUNCIL FOR THE SOCIAL STUDIES

A Guide
To Human Rights
Education

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A Guide To Human Rights Education

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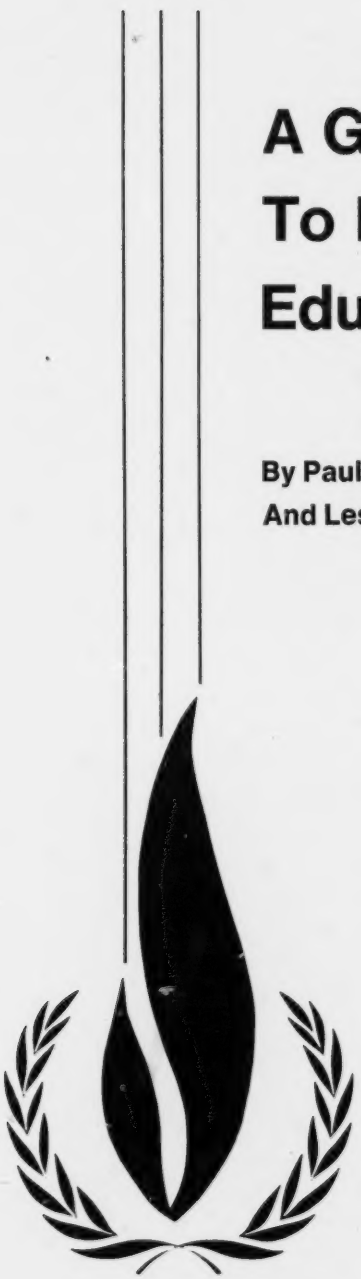

Bulletin 43

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Foreword

HUMAN RIGHTS ARE a never-ending concern for education and action. In 1966, a resolution of the United Nations General Assembly formally proclaimed 1968 as International Human Rights Year. President Johnson, in proclaiming 1968 as Human Rights Year in the United States, declared, "We reaffirm our allegiance to the Universal Declaration of Human Rights and call upon all citizens and institutions to advance its purposes to the extent of their abilities." Recognizing that human rights will continue to be a vital and continuing concern of education, the National Council for the Social Studies commissioned this publication, *A Guide to Human Rights Education*. It is our hope that this Bulletin will contribute to and provide guidance for the continuance of this effort as a part of the regular social studies curriculum.

The authors are to be congratulated on their contribution to the teaching of values. In a pluralistic society such as ours, the classroom teacher is constantly faced with problems and pressures on how to treat values and which values to emphasize. Certainly, in this period of conflict, we must approach squarely the issue of human rights.

What is the role of the classroom teacher in transmitting the values of our society?

How can this best be accomplished?

What are the values of a pluralistic society?

It is hoped that this guide will stimulate further research and experimentation to aid classroom teachers and curriculum builders.

The Council is indebted to Leslie Wood and Paul Hines for the preparation of this timely Bulletin. Our special thanks go to Chief Justice Earl Warren for the precise summary of the problem and actions being taken by the legal profession in the introductory chapter.

RONALD O. SMITH, *President*
National Council for the Social Studies

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The National Council for the Social Studies is the Department of Social Studies of the National Education Association of the United States. It is the professional organization of teachers of social studies. It holds a series of meetings each year and publishes materials of significance to those interested in this field. Membership in the National Council carries with it a subscription to the Council's official journal, *Social Education*, the monthly magazine for social studies teachers, and the Yearbook. In addition, the Council publishes bulletins, pamphlets, and other materials of practical use for teachers of the social studies. Membership dues are $9 a year. Applications for membership and orders for the purchase of publications should be made to the Executive Secretary, 1201 Sixteenth Street, N. W., Washington, D. C. 20036.

Preface

THE YEAR OF 1968 has been declared by the President of the United States and the Secretary General of the United Nations as human rights year. It is the feeling of the authors of this bulletin that human rights involve basic values which can be identified and taught within the context of the current curriculum of the secondary and elementary schools of the United States. Toward this end, certain teaching suggestions are made, but each teacher is urged to utilize his own techniques to further the understanding of human rights concepts on every grade level and in every subject area. In this day of degrees of atomic overkill, it is extremely important that the education profession contribute its share to man's better understanding of man.

Human rights and the struggle for human rights have been present as long as man has recorded his own history. Basically, human rights involve the relationship between man and his society. Within this framework of what is known as the social contract, human rights specifically define the duties, responsibilities, and rights of both the individual and society. While human rights involve "rights," they also include the duties and responsibilities of man within his society. Human rights have advanced further where rights have been guaranteed legally in documents. Many nations of men have contributed to the overall progress of human

rights. Human rights is also the story of man's increasing demand for civilized life whereby the dignity of each human being will be respected and protected. Dignity, respect for the individual, and the acceptance of the right to be different are concepts involved in the definition of human rights. Among rights frequently delineated are freedom of religion, freedom of thought, freedom of opinion, equality before the law, the right to work, and the right to an adequate standard of living. All are commonly considered basic human rights. In addition, it is each man's right as a human to be judged by his own merits rather than on the basis of birth, color, or religious creed.

Historically, the United States has been a leader in the struggle for the attainment of full human rights. Such documents as the Virginia Bill of Rights, the Declaration of Independence, the Constitution of the United States with its Bill of Rights, the Emancipation Proclamation, the 13th, 14th, and 15th Amendments to the Constitution, the progressive legislation of the early 20th century, and Franklin Roosevelt's Four Freedoms have all been milestones in mankind's evolution toward full human rights. In spite of marked success in the attainment of his own individual rights, the United States citizen must remember that unless freedom is granted to every man it is only extended privilege.

In the early days of the United Nations, the United States under the leadership of Mrs. Eleanor Roosevelt, helped develop the Universal Declaration of Human Rights. Following the Korean War and the McCarthy era, the United States focused its attentions on internal problems in the struggle for human rights. The historic rulings of the United State Supreme Court in the 1954 case of Brown versus Topeka, which eliminated segregation in the public schools, and the ensuing confrontation with Federal, state, and local officials over the decision created a situation whereby American leadership faltered in the international struggle for human rights.

The authors take the position that while continuing our own search for equal rights in this country, the United States should again take active leadership in the international struggle for human rights by signing the conventions which have been proposed by the United Nations. Opponents of these conventions sincerely feel that ratification by the United States might be the first step toward eventual meddling by the United Nations in the United States domestic affairs. Some lawyers have indicated there are points of conflict between these proposed conventions and the United States Constitution.

While the opponents of the conventions may be sincere in their belief, the authors believe it is inconceivable that the United States should not be a leader in the struggle for men attaining full human rights. On March 21, 1967, Arthur Goldberg, then ambassador to the United Nations, pleaded for American ratification of the human rights conventions. He pointed out that the United States has frequently been a party to human rights conventions and cited such examples as the convention against slavery which was ratified under Herbert Hoover, and the convention on the nationality of women which was ratified under Franklin Roosevelt. Coupled with the historic precedent of ratifying human rights conventions, is the fact that in law and in spirit the United States throughout its history has professed to believe in the full attainment of human rights by all mankind.

In the preparation of this bulletin, numerous materials were examined and a number of them included in the annotated bibliography. Many were surprisingly similar in ideas and literary approach. A special word of thanks is due to Russel Broadhead who collected most of the sources utilized. Dr. Broadhead's comments were most valuable but none of the flaws in the style or content of the book should be attributed to him.

While the authors attempted to be objective in presenting the material, a biased position toward urging the ratification of the conventions is evident. No apology is intended, but the reader should be aware of the authors' concern that freedom be universal.

STORY OF HUMAN RIGHTS

Hammurabi's Code	1750 B.C.	Greek Concept of Man	
		Asoka	
		Judeaic-Christian God	
		Roman Law	
		Legal Rights	
			Chaos
			Vikings
			Germanic Tribes
			Muslims
		Triumph of Christianity	
		Peace of God	
		Truce of God	
Magna Charta	A.D. 1215	Renaissance	
		Humanism	
		Reformation	
		Emergence of strong Nation-State	
		Act of Abjuration (Dutch)	
British Bill of Rights	A.D. 1689	John Locke	*Slavery*
		Montesquieu	
AGE OF REVOLUTIONS			
"That men might be free . . ."			
		American	
		French	
		Latin American	
		Attack on Slavery	

RISE OF THE COMMON MAN

A.D. 1900

House of Commons (England—1911)

Russian Revolution

Triumph of the Progressives (U. S.—1896-1914)

Women's Rights

Chinese Revolution

Asia, Africa (20th Century) Theory of Rising Expectations

World War II— Threat of Nazism and Fascism

United Nations

A.D. 1947

Universal Declaration of Human Rights

A.D. 1948

Rise of Underdeveloped Nations— India, Africa, Asia, Latin America

Brown *vs.* Topeka

A.D. 1954

Questionable Influences
U.S.S.R. Revolution
Chinese Revolution
Arab Nationalism

A.D. 1968

Problem Areas
1. South Africa (Apartheid)
2. China (World Revolution)
3. U.S.S.R. (Czechoslovakia)
4. Vietnam (Civil War or International Plot)
5. Student Revolts (Progressive Change or Anarchy)

A.D. 2000

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Continuing Action For Human Rights

By Chief Justice Earl Warren*

INTRODUCTION

WE HAVE COME TOGETHER today to participate in a celebration of Human Rights Year which was proclaimed by President Johnson. This is also and primarily the International Year for Human Rights, an observance designated by the United Nations General Assembly to commemorate the 20th Anniversary of the Universal Declaration of Human Rights.

We are here not just to celebrate human rights but also to advance them. To do that we must better understand them, we must constantly seek to learn more about them and their impact on our world here at home and abroad, and we must add our voices to the growing chorus of demand for the promotion of human rights in all aspects of government policy at both the federal and local levels.

It is significant that we do not meet here clandestinely nor do we meet under private auspices. Instead we meet in the most public of places and we are invited by our government. We are asked to learn from one another and to give counsel. We are asked to discuss "continuing action for human rights." That is an appropriate title for a

* This address by Chief Justice Earl Warren was given at an invitational conference convened by the President's Commission for the Observance of Human Rights Year 1968 that was held in Washington, D. C., on December 4, 1968. We are indebted to the President's Commission for permission to print this address.

conference at the end of this administration—an administration which has probably done more than any other for human rights. Now it will be up to us to begin the planning for the years to come—for the many unsolved or partially met problems, for the problems that we only barely see on the horizon as threats in the future, and for the ways in which we must organize to meet those problems.

I shall not attempt to give you guidance in these matters, but I do want to recall a few salient facts about human rights in the United States and in the world. In particular I want to speak about matters which are universal, matters which are not confined by the boundaries of our country.

It was sheer accident that the 20th Anniversary of the Universal Declaration should fall in the same year as the 100th anniversary of the proclamation of the 14th Amendment to the United States Constitution. It is, however, well to remember that both of these documents are founded in the same principle—a principle which in this country was written into our Declaration of Independence—"all men are created equal and are endowed with certain unalienable rights." The Declaration of Independence was not law, but the 14th Amendment, which provides that no state shall make or enforce any law denying to citizens of the United States the equal protection of the law, is the keystone of our Constitutional guaranties.

It took 90 years to have the pledge of equality stated in the Declaration of Independence written into law. And it took another 90 years to redeem that pledge by striking down the invidious doctrine of separate but equal. That decision in the Brown Case was followed by numerous other decisions and laws which loosed the bonds of injustice. And now in a most recent decision the Court has upheld the hand of Congress in its effort to destroy all "badges" of slavery.

In 1945 the allied powers of the Second World War—known then as the United Nations—took the first steps in laying the foundations for a better world order. They adopted the Charter of the United Nations in the preamble to which it is stated that they reaffirm their faith "in the equal rights of men and women," and they further stated as a purpose of the organization to promote and encourage respect for human rights for all without distinction as to race, sex, language, or religion. Three years later in the Universal Declaration of Human Rights these same countries again affirmed their belief in human rights as a way of life for all men in the statement of that

very simple principle, "All human beings are born free and equal in dignity and rights." At the same time they declared that "recognition of the . . . equal and inalienable rights of all . . . is the foundation of freedom, justice and peace in the world."

It was a testament to the inherent worth of man that those United Nations had joined together to uproot totalitarianism and restore liberty. And when they joined in the solemn compact of the Charter of the United Nations and affirmed their faith in human rights, they founded their new order on the principle of the equality of men.

Our country was once torn apart by the failure of men to believe and to practice the principle of equality, and in recent years the fabric of our society has come perilously close to the tearing point because of a failure to live by that principle. The potential for strife is great when some men will not deal with others as equals worthy of dignity and respect and fairness. That potential for strife is latent in the world as a whole and dictates that we in particular as the strongest of countries deal with others on a basis of respect, mutual understanding, and compassion for their search for meaningful equality in all of the pursuits of man—economic, cultural, and political. At the same time we must offer a worthy example by solving our own problems of inter-personal relations, and demonstrating the potential strength of a multi-racial society in which common bonds of humanity transcend all other narrow or parochial considerations.

Equality, then, is and will be the main theme of all our efforts both at home and abroad; but at the same time that we fight for equality, we must make it worth having. We could be equal and all be slaves as well as equal and free men. Therefore, we need laws, good laws, we need institutions, well conceived and founded, and we need men of conviction and decency who will give these things meaning.

The foundations of a law of human rights for all mankind are the UN Charter obligation to promote and protect human rights and the standards proclaimed in the Universal Declaration of Human Rights. This Declaration has already had a real impact on countries around the world. In speaking of the Universal Declaration Secretary General U Thant said recently:

"It may safely be said . . . that the Declaration has guided and inspired many statesmen and legislators. It has undoubtedly also helped the men, women and children for whom it had been proclaimed. Those who suffered from inequities, from prejudices, from humilia-

tions, from fear and insecurity found in it a justification for their complaints and protests and additional grounds for their claims for redress."

Similarly Roy Wilkins said at the International Conference on Human Rights held at Tehran this year that "The vision of the Universal Declaration and our association in the United Nations' system have been helpful in expanding our sights." I believe that it is true that the Universal Declaration has enlarged our vision, but I believe even more firmly that it has only barely begun to play its role in the development of a universal society. It has a major role to play both here among us and abroad in the many countries which are contending with similar and even the same problems which we have faced over the last hundred years.

The Universal Declaration was also the starting point for a very significant attempt to develop a law of human rights to which countries could pledge themselves. The purpose of this was to withdraw the citizen to some extent—in the most fundamental aspects of his relationship to his government—from the potentially arbitrary actions of his government. As a result it was thought mankind would be benefited and governments would be deterred from despotic tendencies. The ultimate hope was that the individual countries would develop stable, democratic governments which would be mutually respecting, and inclined to deal with international problems in a manner reflecting their internal lawful nature.

How far then have we come in developing this international law of human rights? Over 20 major human rights conventions have been adopted by the United Nations, the International Labor Organization, and UNESCO. A few of them are in force among the parties which have acceded to them. Unfortunately the United States is a party to only two of them and this status has been reached only in the last year. We are still not a party to such major conventions as the Convention on the Abolition of Forced Labor, the Convention on the Political Rights of Women, the Convention on the Prevention and Punishment of the Crime of Genocide, and the Convention on the Elimination on all Forms of Racial Discrimination. Nor have we as yet even signed, no less ratified, the two Covenants on Civil and Political Rights, and Economic, Social and Cultural Rights which grow directly out of the Universal Declaration.

We are a nation of minorities—minorities which have confronted major problems of war and peace, and self-government as a majority. The majority respects our pluralistic nature—we have even made of our heterogeneous origins a national strength and a point of national pride. We feel a natural sympathy and understanding for oppressed groups; we seek to preserve elements of our varied cultural heritage and weave them into our national fabric. Nevertheless, we have failed ourselves in not ratifying two conventions which were drafted as an expression of man's readiness to recognize the special protection which the minority deserves and needs. We as a nation should have been the first to ratify the Genocide Convention and the Race Discrimination Convention. Instead we may well be near the last to ratify the Genocide Convention which has about 80 parties to it already, and the Race Discrimination Convention will probably enter into force without the United States having made any serious move to accede to it.

This sad record and the responsibility for it lies squarely with those who have a parochial outlook on our world problems. They have failed to measure the climate of change in the world. They have failed to recognize that men and their institutions do not stand still in the face of great changes. We are not so uncertain of ourselves and our future that we cannot make our institutions conform to our needs as a progressive people.

Now let us turn to the question of international institutions. Law is as effective as the willingness of people to obey it. That willingness does not always spring spontaneously from the breast of man, neither is it a necessary nor an immutable element of government. Law is a set of standards backed by authority which induces compliance. And whether that authority is the police power or solely the weight of public opinion—what counts will be compliance.

Ordinarily the majority of people and especially moral or corporate entities—groups of people, corporations, international associations, and even states—will respond to moral pressure, to publicity, to sanctions that do not even involve the threat of force. Whereas at the national level we can hardly conceive of a useful criminal code or meaningful civil statutes without courts and police power to back them up—at the international level we must envision, at least initially, more sophisticated institutions.

On the international level the United Nations has pursued two courses of action. On the one hand it has gradually developed means for the promotion of human rights through programs of information, research, and technical assistance. On the other hand it has sought, but only with modest success, to develop means of protecting human rights through the promulgation of conventions, the use of periodic and other reports, and most recently a modest beginning has been made in the introduction and discussion of actual complaints of specific violations of human rights.

Of course these two lines of action tend to overlap substantially and one should not minimize the UN's many programs which support human rights objectives, such as humanitarian and development assistance, its actions in the area of peacekeeping, and the major contribution made by its far-reaching work in the field of international administration. Despite the excellent record which the UN has made in the field of human rights, it is a boundless area which demands constant action. It must be strengthened. Its programs require substantial enlargement. And to this end we shall have to frame a broader policy of support for the United Nations in this area. A part of that policy will have to include well conceived initiatives in the area of implementation of human rights—machinery to hear and review and report on violations of human rights and to provide the necessary counseling or assistance to solve those problems.

What we will need first is listening devices, seismographs of grave social ills—ills which are sending their first shock waves through the conscience of mankind or which are cracking the boundaries of states and beginning to shift nations against each other and into the chasm of conflict we have faced periodically in this century. For this reason—if not to correct individual wrongs of which there are many—the world needs workable machinery at the international level which can survey the state of human rights in the world and receive complaints of gross violations. Where necessary it must be able to reach out and learn about situations that are threatening human rights. In this way tendencies dangerous to large groups of people, to nations, or even to the peace of the world may be spotted early and moved toward some form of correction, conciliation, or amelioration.

The United Nations has already taken the lead in developing such machinery—it has grown almost organically out of the human

rights provisions of the Charter—which provide that the UN shall promote and protect human rights and make recommendations for that purpose. At the same time development of this machinery has been plagued by the taint of politics—the suspicion that complaints brought or accusations made are meant to embarrass or to secure some small political advantage. This will probably always remain a problem no matter how skillfully we devise the organs of review, deliberation, and report to deal with human rights violations. But let us always remember that we are an open and free society and as such we thrive on freedom of information—we accept criticism, analysis, and debate as our very life blood. We can accept such moderate outside concern with our affairs and hope to benefit from it. At the same time we will help others achieve an acceptance of self-examination healthful in the development of free democratic societies.

There are many threats to our security and integrity as a nation and as a people. But let us not forget the threat which may be the gravest of all—gravest of all because it threatens us as moral, not mortal, but moral beings—and that is the threat of ourselves—the threat that we may cease to be an outward going, freedom loving, and tolerant people. The threat that we may destroy our own democratic institutions through malice or inadvertence. And to safeguard against this possibility we must be ready to accept a check on ourselves which is not at the same time subject to the corruption which could affect our institutions. In accepting this very limited degree of supra-nationality we would do so in the confidence that others would be prepared to join us in the interest of maintaining those democratic institutions which alone offer a true hope of peace.

As I have already said neither law nor institutions are in the long run the true protectors of man—*man is the protector of man*. Man writes his own laws and builds his own institutions. They are only as good as the men who create them and will last only as long as men will have confidence in them and support them. Therefore at the heart of the problem of the human condition is man and his attitudes.

In this task of affecting attitudes—of making men willing to respect law and to respect the rights of others—we have a major role to play. We can achieve more by individual action and through private organizations than all the courts in the world. By the time a matter comes to court it means usually that something has gone wrong with

our willingness to meet each other as individuals, or with our sense of fairness, or with our respect for the other person's rights—and perhaps something has even gone wrong with our society. Therefore, it is important that we assure that there will be more counseling of those who may suffer from injustice, more assistance to the indigent, greater efforts in education, an increase in informational programs, in sum greater efforts to effect human rights—to make them real in our communities.

As a part of this work I would urge that we rely on the authority of the Universal Declaration and that we consider the usefulness of placing the urgency of achieving respect for human rights in the total framework of peace—peace in the community and peace in the world. It is specious to talk about peace unless we have peace at home and that means compliance with just laws. The objective of all our institutions should be to bring about compliance and respect for law through understanding and not just the exercise of police power. This is, of course, crucial in the understanding of the United Nations and of universal human rights.

It has been my privilege to participate for several years in an important movement to promote understanding among peoples and nations. Many of you will recognize the Center for World Peace through the Rule of Law which brings together lawyers and judges from all over the world in an effort to understand and implement the rule of law in shaping a peaceful world. This is one of several major efforts which has joined men of good will in support of such critical concerns as respect for human rights.

At a meeting of jurists from around the world on Rule of Law Day, September 16, 1968, sponsored by the Center, a resolution was introduced which I believed offered one useful suggestion for continuing action in human rights. It requested that jurists around the world sponsor national units to increase information and understanding and awareness of the human rights conventions. This would constitute a useful and important first step in creating a greater acceptance of the conventions and of the whole concept of human rights.

And so in this 20th year of the Universal Declaration of Human Rights, we who have aligned ourselves with the movement for human rights have much to be thankful for. The movement toward that end is substantial; it is worldwide; and it is to be felt on very continent of the earth. So today we reassert our belief that human rights must

be a matter of our continuing concern and we pledge our efforts toward the fulfillment of the promise of the Universal Declaration of Human Rights, the principles of which are basic to justice and peace.

Milestones in the History of Human Rights

CHAPTER ONE

IT IS NOT POSSIBLE to examine every step man has taken along the path to greater respect for individual human rights. The principles of human rights are old and the slow progress in achieving these human rights is evident. Complete success in the attainment of human rights for all men is actually one person away from success. While an oversimplification, the idea that each man must convince himself to respect the rights of his fellow man is the focus of human rights achievement. One must become his brother's keeper yet allow his brother the privilege of being different from him if he so desires. For your contribution toward universal attainment of human rights each must convince himself of the validity of these principles which have so frequently been reinforced and reemphasized by mankind.

While this treatment of the history of human rights is by necessity brief, a number of the significant milestones are identified. Others are, of course, not discussed. The long path to the current status of human rights started when early men began associating with each other in organized groups or tribes. But for better illustration, man's progress shall be initially identified with one of the many early legal codes of the ancient world.[1] In such early documents as Hammurabi's Code, the concepts of law, and justice were established. While the code of Hammurabi would not seem particularly humane today, for the period of 1700 B.C. it was very enlightened. The words from the code ". . . that the strong

might not oppress the weak and that they should give justice to the orphan and the widow . . ." were representative of concepts which were to direct man's struggle for human rights until the present day. Around the concepts of law and justice which may be identified in the Hammurabi Code, the story of the struggle for human rights begins.[2] The strengthening of these basic ideas and the increased understanding of their role and man's responsibility to provide law and justice is the story of human rights.

While these ancient codes had considerable merit for their time, punishment was harsh and the human quality too often omitted. In most areas, only the privileged classes of men came under the law. The common man's role in the legal process was considered on a secondary basis if at all.

The emphasis on man in the human rights story is introduced by two peoples—the Greeks and the Hebrews. The ancient Greek, best represented in the Athenian culture, gave a new and dynamic portrait of the role of the individual man in the scheme of life. Not only was man glorified to an extent unparalleled in ancient history, but also the Athenians give new meanings to the concept which has become known as democracy. The respect for man's place in the universe as well as the system of government which developed from this overall respect for man—democracy—are significant milestones in man's search for human dignity. The words of Pericles, "Our form of government is called a democracy because it is placed in the hands not of the few, but of the many," indicate the pattern which must be involved in the government and in the struggle for universal human rights.

With the first major signs of democracy developing in the ancient world, a primary vehicle for ultimate success in achieving human rights was present. Although technically Athenian democracy failed to meet the standards of modern day democracy, the principles which were to influence and make possible orderly change were present.

Several centuries following the golden age of Athens, another infusion of principles which were to alter the further course of human rights emerged in the Western world. These principles emerged from the religious philosophy of the Hebrews and the Christian sect which developed from Judaism. But again, it was the Greeks who played a dominant role in the propagandizing of these principles by helping to spread the teachings which are known as the Judeo-Christian Code and ultimately Christianity. "God is love" and the verse which perhaps best

sums up human rights, "Love thy neighbor as thyself," were the core of the religion which has influenced all mankind.[3]

Other parts of the Mediterranean world were also involved in strengthening human rights primarily by emphasizing the concepts of law, justice, and responsibility. By 450 B.C., the Roman Republic had established the Law of the Twelve Tables which guaranteed all citizens rights and duties. While at the time viewed as a major achievement for the plebian class, the Law of the Twelve Tables was an important factor in the foundations of the legal system which was to influence Western thought. The spirit of the Law of the Twelve Tables may be examined in the following excerpt:

If a man call another to law, he must go. If he go not, they shall witness it; then he shall be seized . . . If they settle the matter out of court, let it be announced . . . If they settle not, they shall argue the case in the assembly or in the forum before midday; then they shall plead and prove, both being present. . . . He who needs a witness shall within three days go to his house and notify him . . . When a contract or transfer is made, what the tongue has pronounced, the law shall enforce. . . .

This written law was the beginning of the Roman system of jurisprudence which has served as a basis for modern law.[4] Significant human rights progress occurred when the protection of the law and justice was made available to the individual.

While the focus of the chapter was and is on human rights progress which occurred in the Western world, progress was being made in other geographic areas. In India, Asoka (269-237 B.C.) after accepting Buddhism rejected violence and asked his subjects to be compassionate toward all living things. Although a tyrannical king in his early reign, once he accepted Buddhism, he forgave his former enemies, pardoned many, and even gave up his favorite pastime of hunting. Even today Asoka's edicts urging the following of the compassionate law of Buddha may be found on pillars, some of which rise as high as 50 feet.[5]

In China the human rights concepts were expressed by the Confucian term *jen*. *Jen* is the sympathy which all men feel toward men. Through *jen* one could share the feelings and common humanity of all men.

While Asia, and Africa through its tribal democracies, made contributions to the total human rights story, the focus of this chapter concerns the historical documents and movements which have influenced Western thought and which usually are considered the cornerstones for

human rights. It is not through a sense of Western superiority but with a desire for focus in this brief survey that forces a shift from the pillars of Asoka to the eastern part of the Roman Empire and Constantinople.

It was nearly a thousand years from the earlier mentioned Law of the Twelve Tables until 530 A.D. when the Emperor Justinian had the basic principles of Roman law codified and published in a textbook called *The Institutes*. Elaborating not only on established Roman concepts of law and order, Justinian hinted of ideas and concepts that would emerge a thousand years later. Examine the Declaration of Independence and compare it with the following quotation from Justinian's *Institutes*. "*The Laws of nature which are observed by all nations alike, are established, as it were, by divine providence remain ever fixed and unchangeable. But the civil laws of each individual's state are subject to frequent change, either by the solid consent of the people, or a later enactment of another law.*" Here is one of the earliest statements which analyzes the change process which must be provided for within society. From Justinian's Code, one is able to examine many of the Roman ideals of justice and freedom.[6]

The collapse of the Roman Empire in the West was followed by a period of chaos and confusion resulting in disregard and neglect of Roman law. This period of chaos slowed the attainment of further human rights, yet the earlier principles remained although sometimes dormant until the Christian Church ultimately emerged as the dominant institution of society. At first the Church showed promise in leading society to acceptance of increased human rights. The Truce of God and The Peace of God were positive steps which ultimately might have given man the opportunity to live in a society free of war and devastation. The Truce of God prohibited fighting from Vespers on Wednesday to sunrise on Monday and also during the holiday periods from Christmas to Epiphany and through much of the spring, late summer, and early fall. The Peace of God brought the wrath of the Church against any who violated the places of worship, robbed the poor, or injured the clergy. Ultimately the protection given the clergy was extended to the merchant class. Both decrees held some possibility of success. The Church, however, chose not to continue this approach to war. With the calling for the Crusades and the adoption of the concept of the Holy War, the Church led man into the concept of war as a religious obligation. While we realistically live in a society plagued by wars and violence, it is interesting to speculate on

the course human history would have taken had Christianity not accepted the principle of the holy and eventually the just war.[7]

The institutions of The Truce of God and Peace of God were all part of what is known as the feudal system. While feudalism cannot be considered a significant movement in the direction for human rights, feudalism was based on the concept of the feudal contract. Each party to the feudal contract had duties, responsibilities, and certain rights. As the Middle Ages progressed, more stability in society created an atmosphere of greater concern for the basic rights of man. It was in this rather chaotic feudal period that a new step in the struggle for human rights was taken when the concept of a contract between the government and the governed led to a recognition of rights and responsibilities by mutual consent.

The most famous document in human rights to emerge from the period of the Middle Ages was the Magna Carta. While the Magna Carta was written to guarantee the rights of the English barons, the clergy, and a few freeholders, ultimately all Englishmen gained the legal rights listed in this document. The importance of the document was not in its original purpose but in the later interpretations. The principles that the law was above the king and that the king may be forced to obey the law were to influence the remainder of man's history.[8] The following excerpt from the Magna Carta suggests the increased recognition of human rights that was developing:

We [the king] have also granted to all free men of our kingdom . . . all the underwritten liberties, to be had and held by them and their heirs . . . forever . . . No scrutage or aid [unusual taxes] shall be imposed in our kingdom . . . The city of London shall have all its ancient liberties and free customs, as well by land as by water . . . All other cities, boroughs, carrons, and ports shall have all their free customs . . . No free man shall be taken or imprisoned or dispossessed or banished or in any way destroyed . . . except by the lawful judgment of his peers or by the law of the land. To no one will we sell, to no one will we refuse or delay right of justice . . .

No other significant document concerning human rights evolved for several centuries. While there was a lull between the signing of the Magna Carta and the emergence of other primary documents dealing with man's struggle for human rights, other factors changed the structure of society significantly to where further success in human rights could be achieved. Humanism reintroduced the earlier Greek concept of the

role of man in society. No longer did scholars have to examine medieval translations of the famous writers of ancient Greece, but were able to read the works of Plato, Aristotle, and Thucydides in the original language. The examination of these earlier ideas plus the improving economic situation contributed to the atmosphere of the Renaissance. This spirit is summed up by Leon Dattista Alberti, a contemporary of the time, who declared "men can do all things if they will." [9]

Another factor which strongly influenced society was the emergence of the strong nation state. Even though the forces of nationalism were gaining acceptance, the king found it necessary to secure a strong ally against the baron who had achieved great power during the feudal period. He needed both financial support and levies of troops. In several countries and especially in England an unwritten alliance between the king and the merchant class was formed. In drawing support from this class, the king was forced to make compensations which improved the merchant's place in the structure of society. Although gaining fiscal support through such institutions as Parliament, the king was never able to gain the financial independence he desired. In Britain, at least, the Parliament utilized this economic dependence as a wedge to limit the political power gained by the king in his confrontation with the nobleman. Through the technique of fiscal control they were able to continue the unwritten alliance between the king and the emerging middle class into modern times.

During this same historical time period, the Reformation changed the religious face of Europe. No longer did all men profess to worship at the universal church. Even though the Reformation movement can be interpreted to imply a man should be allowed to worship God as he saw personally fit,[10] there was little indication that most Protestants or Catholics were tolerant of any man who desired to worship God in his own way. The religious wars in France, England, and the Thirty Years War were not periods of great progress in human rights, but finally the concept of religious tolerance and religious freedom emerged, although it would take centuries before the concepts were accepted by the vast majority of men.[11]

Following the Reformation and the emerging nation-state concept with its emphasis on nationalism, came increased demands that the government be responsible to the people which it governs. The idea that the king was not above the law was found in the Magna Carta but this concept was expanded to include a governing responsibility. The de-

mand was stated in the Abjuration Act of 1581 when the Dutch patriots declared their independence from Philip II of Spain.

God did not create the people slaves to their princes, to obey his commands whether right or wrong, but rather the prince for the sake of the subjects . . . to govern them fairly . . . and when he oppresses them seeking . . . to break down their ancient customs and privileges . . . then he is no longer a prince but a tyrant, and the subjects are to consider no other view.

While not a well-known revolutionary document, the Dutch presented many of the principles which Thomas Jefferson used so effectively nearly 200 years later. This concept of responsibility of the government to the people was also expressed by the British a century after the Dutch in 1689. Parliament summed up human rights which had been established in England since the Magna Carta in 1215. The examination of an excerpt from this document, which is located in the document section, will show a marked similarity between these guaranteed rights and the principles which later appeared in the United States Constitution and Bill of Rights. In the English Bill of Rights, Parliament established its control over the government thus limiting future illegal pressures on its citizens. Britain had taken a significant step toward representative democracy.

The significance of the Dutch Act of Abjuration, the English Bill of Rights, and other human rights concepts of the times, were not lost upon the colonists of North America. The political theories of these documents were taken and given renewed emphasis during and after the American Revolutionary War. With the Declaration of Independence, man officially entered the age of revolution.

We hold these truths to be self-evident that all men are created equal, and they are endowed by their creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness. That to secure these rights governments are instituted among men, deriving their just powers from the consent of the governed. That whenever any form of government becomes destructive of these ends, it is the right of the people to alter or abolish it and to institute a new government. . . .

Following the Declaration of Independence, the American Revolutionary War, and the Treaty of Paris, the leaders of the new Republic provided for the protection of individual rights for its citizens. The Constitution of the United States and the Bill of Rights represented new

milestones in man's search for freedom. In spite of the obvious progress, even these enlightened documents only guaranteed rights to part of the population. Negro slaves, Indians, women, indentured servants, and some religious groups were not granted full citizenship under United States law. Human rights in the United States as well as in other parts of the world would require continuing efforts.

The success of the American Revolution was not ignored by the rest of the world. The French, the Spanish provinces of Latin America, and ultimately the British, all embarked upon the different paths of revolution. The British were able to achieve change through the political process although in many other areas of the world, the human rights struggle unfortunately tended to be coupled with violence.

"Liberty consists of the freedom to do anything which injures no-one else; hence those which assure to the other members of society the same rights. These limits can only be determined by law. . . ." With these words, the French in 1789 presented, in the Declaration of the Rights of Man, a definition of the word liberty. While the French Revolution was torn with violence which ultimately plunged all the continent into the throes of a massive European war, the major intent was the establishment of human rights for all French citizens regardless of birth status. The rights listed in the Declaration of the Rights of Man were spread and eventually legalized in the law of many countries beside France.[12]

In spite of high sounding declarations in French, British, and United States documents, the ugliest violation of human dignity continued unchecked—the practice of slavery. Never perhaps does man sink to lower depths than when he enslaves another man to exploit him for personal gain. The evil had existed for centuries, but human rights had finally evolved to the point where slavery could no longer be tolerated. In 1833, Parliament, through the efforts of William Wilberforce and other British reformers, passed an act which freed over 700,000 slaves in the British West Indies. While the British ultimately abolished slavery without internal strife, the evil was far more difficult to eliminate in the United States. It required a long four-year war filled with death and sorrow before the practice was ended.[13] And though the war legally eliminated slavery, the racial prejudice which accompanied it remained to plague succeeding generations with its creed of suspicion and fear. Although slavery is still practiced in parts of the world during the 20th

century, society will never again accept the theory that man has the right to enslave another for his personal use.

The 19th century with its consolidation of various revolutionary and reform movements may be considered a period of great progress for human rights, but the 20th century with its increased reliance on middle class man for leadership, promises to bring even greater achievement. Traditionally, man has attained leadership on the basis of birthright. Now throughout the world, men who have attained status by achievement rather than by heredity are coming to political leadership. In England, the democratic process was furthered by the 1911 Act which increased the power of the House of Commons and lessened the influence of the House of Lords.

In the United States, the period from 1896 to 1914 was the era of the triumph of the progressives. Numerous reforms were established creating better government and improving the status of the individual. With the 19th Amendment, women in the United States received the right to vote. In other countries of the world women have received the rights of citizenship and now finally are playing more significant roles in the political development of mankind.

In Africa and Asia, the 20th century has been the age of rising expectations. The imperialism and colonialization of the 19th century no longer was acceptable. In spite of religious philosophies which traditionally have urged man to accept his current place in society in hope of a future reward, he began to expect better standards of living.[14] Throughout the underdeveloped areas of the world, man has begun to feel that conditions would be better for their children. This philosophy has given Africa and Asia the impetus to play a far more vital role in the mainstream of history during the 20th century than it has in the past.

The 20th century has been the age of revolutions in China and Russia. And while authorities disagree on the ultimate achievements of these revolutions, all the revolutionary movements were devised to better the conditions of men within those countries. The directions these revolutions take in the years ahead may well determine if man continues to progress in the struggle for human rights or must undergo the horrors of atomic war.

World War II brought a serious challenge to the individual rights of man. Nazism and Fascism threatened to destroy all that man had accumulated in centuries of progress. Millions died and atrocities occurred by the hundreds of thousands before peace came. Unparalleled devasta-

tion and stark demonstrations of atrocities brought man to the point where he was ready to take giant strides toward the establishment of universal human rights. The principles of this new world-wide philosophy are best cited in the Charter of the United Nations which was signed in 1945. The purposes are:

To maintain international peace and security . . . to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression . . . and to bring about by peaceful means . . . settlement of international disputes . . .

To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples . . .

To achieve international cooperation in solving . . . problems of an economic, social, cultural, or humanitarian character, and in . . . encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion.

To be a center for harmonizing the actions of nations in the attainment of these common ends . . .

The following chapters of this book will deal with man's continuing struggle for human rights through the agencies of the United Nations. In spite of continued success in achievement of universal human rights since 1945, serious problems remain for man to face. In the United States, there are still elements of racism as the President's Commission on Riots has reported. Other countries have similar problems. In South Africa, the problem of Apartheid remains with little apparent progress toward solution. In China, the leadership is preaching world revolution and violence. The recent U.S.S.R. takeover of Czechoslovakia shows that Communism has not become a docile middle class movement which is in agreement with the principles expressed by the United Nations Charter.

In the United States, riots and demonstrations challenge the role of the United States in Viet Nam. Here the problem centers on whether the war is a civil war or part of an international plot carried out by a Communist movement. Other problems related to human rights further confuse the issue, for example, the right of a nation to violate human rights of its citizens versus outside protections of individuals, and the use of terror to control versus the use of force to protect. Other riots and demonstrations involve students from colleges and universities who are demanding change and in some cases even destruction of the educational and political structure as it currently is conceived. The concept

of law being essential to progressive and permanent change is in danger. Again, man must determine whether to move forward in the area of human rights through progressive change or to release again the perils of anarchy upon the world.

FOOTNOTES

[1] Theophile James Meek, *Hebrew Origins*, Harper and Brothers, New York, 1960, 60-68. Among the other more prominent early codes are the city code of Eshnunna, the city code of Lipit-Ishtar, and the Middle Assyrian Code.

[2] A good analysis of the Hammurabi Code may be found in S. W. Swain, *The Ancient World*, Volume I, Harper and Brothers, New York, 1950, 92-94. Also see Leonard Cottrell, *The Quest for Sumer*, G. P. Putnam's Sons, New York, 1965.

[3] An analysis of Judaism and Christianity may be found in Charles Samuel Braden, *The World's Religions: A Short History*, Abingdon Press, New York, 1954, 256 pp. Meek, *op. cit.* is also valuable for understanding of the background of Judaism; also see Huston Smith, *The Religions of Man*, Harper and Row, New York, 1958.

[4] Rene A. Wormer, *The Story of the Law and The Men Who Made It*, Simon and Shuster, New York, 1962, 93-99.

[5] Emma Hawkridge, *Indian Gods and Kings*, Houghton Mifflin Company, Boston, 1935, 110-115. An excellent account of Asoka is found in the high school textbook Paul Thomas Welty, *Man's Cultural Heritage: A World History*, Annotated, Lippincott, Philadelphia, 1965.

[6] Wormer, *op. cit.*, 145-149.

[7] The concept of the Holy War and Just War is best explained by Roland Bainton, *Christian Attitudes Toward War and Peace*, Abingdon Press, New York, 1960. Bainton illustrates the unique nature and the results of accepting war for a holy cause. Among the factors listed are the following: "*The crusade is furthermore dangerous because it breaks down such restraint as can be placed upon the carnage of war. The enemy being beyond the pale, the code of humanity collapses. The crusade is dangerous again because it impedes the making of a magnanimous peace.*" (p. 242). The Holy War concept has evolved into the Just War concept which has many of the standards of the Holy War.

[8] A brief account of the significance of the Magna Carta may be found in T. Walter Wallbank, Alastair M. Taylor, and Nels M. Bailkey, *Civilization Past and Present*, Scott, Foresman and Company, New York, 1962, 207-08. For a more detailed account see Clifford Lindsey Alderman, *That Men Shall Be Free: The Story of the Magna Carta*, Julian Messner, New York, 1964.

[9] Quoted in Jacob Burckhardt, *The Civilization of the Renaissance in Italy*, George Allen and Unwin, Ltd., London, 1921.

[10] The Reformation may be interpreted in a number of ways. The authors prefer a political interpretation. While not a popular interpretation, a number of scholars have pointed out the religious freedom concept which developed during the time.

This thesis is well illustrated in Austin Patterson Evans, *An Episode in the Struggle for Religious Freedom, The Sectaries of Nuremberg 1524-1528*, Columbia University Press, New York, 1924. The same thesis is expressed by Crane Brinton, *Ideas and Men: The Story of Western Thought*, Prentice Hall, Inc., Englewood Cliffs 1950, 310, and Harold J. Grimm, *The Reformation Era: 1500-1650*, Macmillan, New York, 1954, 570-592. A primary source written during the Reformation was by Giacomo Contio (better known as Jacobus Acontius) who wrote *The Strategem of Satan*, published in Basel in 1565.

[11] Grimm, *op. cit.*, 590.

[12] An interesting account of the impact of the French Revolution is found in Geoffrey Bruun, *Europe and the French Imperium 1799-1814*, Harper & Brothers, New York, 1938, 233-250. For a scholarly account of the impact of the Declaration of the Rights of Man and Citizen see Georges Lefebure (translated by R. R. Palmer), *The Coming of the French Revolution*, Random House, New York, 1939, 177-187.

[13] Certainly slavery was not the only cause of the War Between the States but it was a significant factor.

[14] This philosophy is found in the religions of Hinduism, Taoism, and Buddhism. See Braden, *op. cit.* and Smith, *op. cit.*

* When not listed, the excerpts from documents used in this chapter were from Arthur Boak, *et al.*, *The History of Our World*, Annotated, Houghton Mifflin, Boston, 1965.

Human Rights Since 1945

CHAPTER TWO

THE YEAR 1948 was a momentous year in the history of mankind. Never before had peoples of differing and even conflicting cultural backgrounds, ideologies, nationalities, races, and religions reached agreement upon specific rights an individual should have simply because he is human. As discussed in Chapter One, the recognition of human rights is the result of a long evolutionary process stretching over thousands of years. Many famous documents and the writings of the world's greatest philosophers and statesmen have provided direction for succeeding generations as man has progressed toward becoming both more human and more humane.

The Preamble to the Charter of the United Nations reaffirms the universal belief in the existence of fundamental human rights and the dignity and worth of the individual. The Charter recognizes the validity of such general concepts as justice, social progress, equal rights, self-determination of peoples, and fundamental freedoms. But, even though potentially influential, these general statements can receive only the verbal acquiescence of all governments regardless of what their treatment of individuals is in actual practice. Such general statements can be interpreted as being the philosophy of any government having control over man regardless of how autocratic and unresponsive it is to human needs and human rights. Such terms as "separate but equal," "inferior," "the ultimate solution," "dictatorship of the proletariat,"

"committee of public safety," "the yellow peril," and thousands of others have been used in the name of humanity and justice to degrade and destroy tens of millions of human beings.

The Universal Declaration of Human Rights helped bridge the limbo which had so long surrounded human rights. On December 10, 1948, human rights came to have meaning in terms of specific and operational rights of the individual man on a world-wide basis. The Declaration was the result of numerous disagreements and compromises, but once the document was presented, no nation dared openly deny these rights. The Declaration was passed by the United Nations General Assembly without a dissenting vote even though eight nations abstained. The nations abstaining included the Soviet bloc, Saudi Arabia, and the Union of South Africa.

WHAT IS THE UNIVERSAL DECLARATION OF HUMAN RIGHTS?

The Declaration is a goal or common standard of achievement to guide all nations and all peoples in their efforts to secure universal fundamental freedoms for every individual. Much of what it contains has already been identified in such documents as the Bill of Rights of the United States, the Bill of Rights of Great Britain, and the Declaration of the Rights of Man of France. It is a short document containing a Preamble and 30 brief articles. Article 1 declares, "*All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act toward one another in the spirit of brotherhood.*"

The Declaration of Human Rights sets forth three kinds of rights. The first of these are the economic rights which include freedom from slavery and servitude (Article 4); protection from cruel or degrading punishment (Article 5); the right to work with fair working conditions and pay, and to form and join labor unions (Article 23); to own property (Article 17); to enjoy a reasonable standard of living (Article 25); and to economic and social security within the resources of the state to allow dignity and free development of personality (Article 22).

A second category consists of political and social rights including the right to nationality (Article 15); the right to take part in government and to vote for a representative to govern (Article 21); to assemble peacefully with others and join—or refrain from joining—any legitimate organization or group (Article 20); to receive equal pro-

tection under the law (Article 7); the right to be considered innocent until proven guilty in a fair public trial (Articles 8-11); prohibition from arbitrary arrest, detention, and exile, and the right to political asylum (Article 14); and the right to enjoy a full cultural life in accordance with one's artistic, literary, or scientific talents and tastes (Article 27). Article 6 recognizes the right of everyone to recognition everywhere as a person before the law.

The third group of rights might be classified as civil and personal rights. These cut across all categories and give meaning to the previously listed rights. Civil and personal rights would be impossible if political rights were denied an individual or if a person were unable to have a measure of economic and social security and a minimum of education and culture. Conversely, social and economic rights have little value without freedom and civil rights. A prisoner in a maximum security jail can have almost complete economic and social security, yet, he can hardly be considered to be in a position to exercise his human rights. Similarly, political rights when separated from full exercise of civil rights reduce any political activity to a mere ritual, void of power for man to influence his own destiny.

Some of the guarantees in this third category include the right to equal opportunity in all areas of life, "*without distinction of any kind such as race, color, sex, language, religion, or other condition, national or social origin, property, birth or status,*" (Articles 1 and 29). Other specifics include freedom of expression, including the right to hold opinions without interference and to seek, receive, and impart information and ideas through any media and regardless of international frontiers (Article 19), the right to an education concerned with the full development of the human personality and the strengthening of respect for human rights and fundamental freedom (Article 26), and the right to rest and leisure (Article 24).

The more personal rights include those which make it possible for one to live a private life without capricious interference from individuals or the legal government. These rights include liberty and security of person (Article 3); freedom of conscience and religion (Article 18); privacy of home, family life, and personal correspondence (Article 12); the right to marry and raise children, with a free choice of one's marriage partner (Article 16); and the right to travel without hindrance within a country and to leave a country (Article 13).

The complete text of the Universal Declaration is found beginning on page 72.

Human Rights are not absolutes. Their recognition is of necessity linked to acceptance of responsibilities by each individual of the duties within the community of which he is a part. Without a balance of rights and responsibilities, rights become little more than license. Indeed it is necessary to limit the exercise of human rights, as the Universal Declaration states: "*for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in the democratic society*" (Article 29). This same article also warns that the rights and freedoms enumerated in this Declaration may not be used to destroy these rights and freedoms; they "may in no case be exercised contrary to the purposes and principles of the United Nations."

It is also recognized that a state may reasonably deprive an individual of his rights in the name of public order or the general welfare. However, just as license on the part of an individual would render the statements of rights and freedoms meaningless so would arbitrary or autocratic government destroy their meaning and effectiveness. Article 30 states "*nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.*"

THE CHARTER ON HUMAN RIGHTS

The Declaration is part of the United Nations Charter on Human Rights. The Charter is made up of the Declaration and two Covenants which reaffirm most of substantive goals of the Declaration in the form of binding commitments and provide measures of implementation. The Declaration has no legal authority and is important primarily as a moral force, while the Covenants are legal agreements subject to international law and the means of implementation which they contain. When a member nation ratifies the Covenants, they in effect have signed a treaty with other nations who have also signed the Covenants. The United Nations Charter on Human Rights containing the Declaration and the Covenants is sometimes described as the International Bill of Rights.

One Covenant deals with political and civil rights and the other with economic, social, and cultural rights. (The full text of these Covenants can be found in the Appendix.) The reason that two covenants developed rather than a single document was the feeling that the two classes of rights are substantially different in nature. Civil and political rights could be given effect immediately and would require a different system of implementation, while economic, social, and cultural rights were objectives which could not be realized immediately because of limited resources. These latter rights were really objectives to be achieved progressively, and were to have meaning only in the context of civil and political rights. The Covenant on Civil and Political Rights deals with the traditional human rights which are incorporated in all the constitutions of the world. The Covenant guarantees such freedoms as freedom from torture and cruel punishment, freedom from slavery and forced labor, the right to life, freedom of movement and the right to leave the country, the rights to security of person and to privacy, freedom of thought and religion, freedom of assembly and association, freedom of expression, the right to participate in public affairs and periodic elections, the right to equal protection before the law, and the right of minority groups to enjoy their own culture including the practice of their religion and the use of their own language. The Covenant also affirms that the family is the natural and fundamental group unit of society and is entitled to protection by the society and the State. Men and women have the right to a family but the marriage must be with the full and free consent of the intending spouses.

A Human Rights Committee has been established to assist in the implementation of this Covenant. If two states disagree on whether one of them is fulfilling its obligations and these differences cannot be negotiated, then one state may contact the Human Relations Committee which may look into the complaint and propose a settlement. At the present time, such procedures for settling disputes can be used only when both States in the dispute agree to use the services of the Committee. The Committee is not a decision-making body and has the power only to file a final report which is confined to a brief statement of facts. If the matter is thus not resolved, the Committee may appoint an *ad hoc* Conciliation Committee which after one year shall present a report and its views for solving the issue.

The only binding obligation upon those who have signed the Covenant is to submit reports on measures taken to implement the Covenant and on difficulties encountered in its implementation. The Human Rights Committee studies these reports and makes general comments on them and, if it wishes, submits any report to the Economic and Social Council of the United Nations. The only real power which the Human Relations Committee has over measures which violate the Covenant is exposure to world public opinion which has become the principal vehicle in developing international concern about human rights.

There is disagreement as to whether the Human Rights Committee has a right to consider complaints by individuals who claim that they are victims of the violation of their human rights by the state which has jurisdiction over them. Some countries believe that implementation of human rights is an internal affair and that no external force has any right to interfere. Other states believe that violations of human rights should be dealt with wherever they occur, and that if any nation fails to protect the rights of its citizens, then there must be other provisions for protecting individual human rights. Since agreement could not be reached, an optional provision or optional protocol was added to the Covenant on Civil and Political Rights. By accepting this provision, a state recognizes the competence of the Human Rights Committee to consider communications from individuals. After having ascertained that all available domestic remedies have been exhausted, the Committee shall consider the individual petition and any explanation received from the State concerned at a closed meeting, and shall express its views to both the state and the individual. The only publicity involved in such a dispute will be from the annual report which is submitted by the Committee to the General Assembly summarizing its activities.

The Covenant on Economic, Social and Cultural Rights is an attempt to establish bases for security and prosperity for all individuals regardless of socio-economic status, race, or religion. The Covenant deals with the right to choose a job freely and to enjoy fair conditions of work, and protection against unemployment. Rights to education, leisure, social security, physical and mental health, and an adequate standard of living as well as the right to enjoy cultural and scientific freedom are also expressed. Many of these rights are dependent upon the economic capacity of a nation. What is considered adequate education or an adequate standard of living today may well be consid-

ered totally inadequate ten years from now. An underdeveloped nation would have relatively less ability to supply social and economic needs than a highly industrialized state. Because of the relative nature of these rights, each state who is a party to the Covenant agrees to take steps "to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized" in that Covenant. As a result, the measures of implementation are limited to reporting to Economic and Social Council on the measures adopted and the progress made in achieving the observance of the rights recognized in the Covenant. Each nation also agrees to identify the difficulties it is having in fulfilling the obligations. On the basis of these reports, the Economic and Social Council may submit to the General Assembly recommendations of a general nature and it may report to other United Nations agencies the need for technical assistance in states which are having difficulty in implementing the Covenant.

The Declaration and the two Covenants are considered to be complementary rather than mutually exclusive approaches to the protection of human rights with the moral and political effect of the Declaration often paving the way for the acceptance of binding obligations at a later date. The Covenants, when ratified by a nation, are treaties which raise many questions in international law such as the extent of sovereignty of a state. If the rights of an individual are violated by a nation in direct violation of international law, then the question of protection of human rights brings into serious consideration the traditional concept of domestic jurisdiction.

CONVENTIONS

In addition to the Bill of Rights which is made up of the Declaration of Human Rights; the Covenant on Economic and Social and Cultural Rights; and the Covenant on Civil and Political Rights; there have been several conventions dealing with specific human rights included in the two Covenants. These conventions also serve as treaties which are binding upon any nation which ratifies them. Early in the development of the United Nations it became clear that declarations and covenants are best suited for the elaboration of general principles and broad obligations. Conventions were added so that specific obligations could be required and spelled out in detailed provisions which would not be possible in the more inclusive Declarations and Covenants. Consequently, conventions have been drafted dealing with many

specific human rights problems both by the United Nations, and such affiliated agencies as the International Labor Organization and the United Nations Educational, Scientific and Cultural Organization. The table at the end of this chapter is a summary of the conventions and their present status.

The General Assembly has chosen nine of these conventions for prompt implementation. Several of these have been widely ratified, most of them by more than 50 states, and several of them by more than 70 states. Several states have ratified all of them while other countries have ratified at least two or three of them. Some states, including South Africa, Spain, and Yemen, have ratified none of the conventions. Unfortunately, the United States has ratified only two of these conventions by late 1968. Most have not been submitted by the President to the Senate. Of those which have been submitted, few have gotten beyond the Senate Foreign Relations Committee. The nine conventions given priority by the General Assembly of the United Nations include the following: (a) Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices similar to Slavery; (b) Convention concerning Forced Labor; (c) Convention concerning Discrimination in respect of Employment and Occupation; (d) Convention concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; (e) Convention concerning Freedom of Association and Protection of the Right to Organize; (f) Convention Against Discrimination in Education; (g) Convention on the Prevention and Punishment of the Crime Genocide; (h) Convention on the Political Rights of Women (i) International Convention on the Elimination of all Forms of Racial Discrimination.

Many of these treaties or conventions came as a result of American initiative and leadership while others were adopted only through strong American support. Citizens of the United States are already guaranteed most of these rights by the Constitution, the courts, and recent Civil Rights legislation. Ratification would not require any change in our domestic legislation, and our own welfare is interrelated with the rights and freedoms available and assured to the peoples of other nations. It is inconceivable that our country should not take the lead in helping other peoples to achieve the rights and freedoms we already enjoy.

There have been other documents as well as the International Bill of Rights and the numerous supporting conventions which deal with some aspect of human rights. Among these are the Universal Declaration of The Rights of the Child (1959); Declaration on the Granting of Independence to Colonial Countries and Peoples (1960); the Declaration on Permanent Sovereignty over Natural Wealth and Resources (1962); United Nations Declaration on the Promotion Among Youth of the Ideals of Peace, Mutual Respect and Understanding Between People (1965); and the Declarations on Freedom of Information and the Elimination of all Forms of Religious Intolerance. These Declarations have no legal force such as the binding commitments of conventions and covenants, but rather their power is of a moral nature. Moral force has most frequently been observed in the voice of world opinion which is often utilized by the United Nations. While public opinion is apparently becoming an effective force in influencing the actions of members of the United Nations, the recent Soviet action in Czechoslovakia indicates moral force does not immediately overcome force of arms even though world public opinion may be overwhelmingly against arbitrary restrictions on personal freedom. In spite of this seeming limitation, the import of these Declarations may be greater than the more legally binding agreements in terms of changing people and institutions.

THE FORMATION OF HUMAN RIGHTS DOCUMENTS

The Universal Declaration of Human Rights resulted from a compromise when agreement could not be reached on the entire original document. Many people at the time intended for the Declaration to be only a recommendation. The Declaration itself states that it represents a point of common understandings of the rights and freedoms which the members of the United Nations had pledged support of in the Charter. However, the influence of this compromise has been much greater than anticipated by the opponents of the full document. The Universal Declaration through uncoordinated action of governments, inter-governmental organizations, courts, legislatures, and the formation of constitutions of new nations has invested the Declaration with increasing authority and practical importance.

The idea of international protection of human rights on a world wide scale originated during World War II when President Roosevelt provided in his "Four Freedoms"—freedom of speech, freedom of re-

ligion, freedom from want, and freedom from fear—a rallying cry for those who opposed the efforts of totalitarian states to dominate all mankind. The Allied governments agreed in Washington on the "Declaration by the United Nations" which named as a basic goal of victory the preservation of "human rights and justice in their own lands as well as in other lands." As a result of this statement official and unofficial groups in several countries started immediately to work on an International Bill of Rights which would be proclaimed through the United Nations and become one of the corner stones of the new world order to be built after the war. These efforts resulted in the affirmation of fundamental human rights in the preamble to the Charter including the dignity and worth of the human person, the equal rights of men and women and of large and small nations. Chapter I, Article 3, states that the United Nations is "*to achieve international cooperation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction of race, sex, language, or religion.*" The agency created to accomplish these goals was the Economic and Social Council (ECOSOC), and its Commission on Human Rights. The Commission on Human Rights was charged with the task of drawing up a comprehensive list of these rights.

This Commission under the chairmanship of Mrs. Eleanor Roosevelt and composed of 18 members came into existence in 1945. The first session was held in January, 1947, with instructions to begin writing (a) an International Bill of Rights; (b) international declarations or conventions on civil liberties, the status of women, freedom of information, and similar matters; (c) the protection of minorities; (d) the prevention of discrimination on grounds of race, sex, language, or religion; and (e) any other matters concerning human rights not covered by these items. The writing of the Declaration took two years of hard work on the part of the drafters who tried to produce a document which could not be misunderstood even when translated into many languages. It was difficult to put into words definitions which will have the same meaning in the many cultures, religions, and political systems of the United Nations' member states.

Another obstacle which the Commission faced was the position of some governments that human rights can be secured only by passing new national laws, and that international declarations would have no

legal status within their countries. The world is still searching for a satisfactory means of resolving the conflict between individual human rights and arbitrary action violating these rights by national governments. The Commission emphasized in the Preamble to the Declaration that "the inherent dignity" of each member of the human family is a starting point in breaking national barriers to human rights. Therefore, the individual, not the state, is ". . . the foundation of freedom, justice and peace in the world."

Another example of the difficulties involved in writing a human rights document which can receive universal acceptance is demonstrated in the process of forming Article 17, dealing with property rights. When determining the fundamental rights of an individual to acquire property necessary for his existence, it is necessary to determine the scope of the property, the establishment of safeguards, and then to find a formula which, without being too wide, can be accepted by all cultural streams, political ideologies, and economic systems.[1] After many drafts and many compromises, Article 17 evolved into two short and simple sentences which belie the complexities and the difficulty in the drafting process.

ARTICLE 17

1. *Everyone has the right to own property, alone as well as in association with others.*

2. *No one shall be arbitrarily deprived of his property.*

It can be argued that the Declaration is inadequate because it does not recognize such rights as the following: the right of each individual to a minimum of property sufficient to guarantee the dignity of life; the principle that the right to property must not be exercised against the public interest; or arbitrary deprivation of property is not present when it is in the public interest and accompanied by fair compensation. Although criticism can be made of any finished document, the adoption of Article 17 in 1948 constituted a significant compromise among nations on a difficult area of human rights.

After nearly two years of hard work and consultation with large numbers of people throughout the world, the Commission on Human Rights under the able leadership of Mrs. Eleanor Roosevelt completed its initial task. The Declaration of Human Rights was completed and submitted to the United Nations General Assembly; and on December 10, 1948 by a unanimous vote (48 nations voted their ap-

proval and 8 abstained) the United Nations General Assembly adopted the Universal Declaration of Human Rights.

In 1950, the General Assembly called upon "all states and interested organizations" to adopt December 10 of each year as Human Rights Day. By the 20th anniversary of the Declaration of Human Rights in 1968, over 80 nations had come to celebrate this day with special observances.

It was not until seven years after the adoption of the Universal Declaration that the first drafts of the Covenant on Economic, Social, and Cultural Rights and the Covenant on Civil and Political Rights were submitted to the General Assembly in 1955. Initially only one Covenant on Human Rights was intended, but the General Assembly decided in 1952 that two Covenants should be prepared simultaneously because of the differing nature of the two types of human rights. The proposed Covenants were discussed intermittently for another dozen years before they were finally completed. The final texts were adopted unanimously by the General Assembly on December 16, 1966.

Each Covenant would become legally binding on those nations signing when the prescribed number of states had ratified it. The Optional Protocol to the Covenant on Civil and Political Rights requires ten ratifications before it takes effect. All of the obligations which a State assumed under the Covenant on Civil and Political Rights were meant to be implemented as soon as the state ratified the Covenant. The Covenant on Economic Social and Cultural Rights, states that its provisions are to be carried out progressively.

In addition to the International Bill of Rights composed of the Declaration of Human Rights and its accompanying two Covenants, many conventions have been adopted by the General Assembly or affiliates of the United Nations. Many of these conventions are older than the United Nations itself. Earlier conventions under the old League of Nations dealt with such matters as the rights of seamen. In all, more than 120 international conventions are in effect, however, the United States was a party to only half a dozen of these conventions. At first glance it may appear that conventions are so numerous and overlapping that they would have little meaning. Such, however, is not the case. Conventions may be compared to laws on a national level; just as laws are intended to implement national constitutions, so are conventions designed to implement the United Na-

tions charter and its accompanying documents including the Universal Declaration of Human Rights. Conventions are designed to deal with specific problems and are stated in concise terms intended to make their meaning clear to all concerned parties. The continuous development and adoption of conventions demonstrate the living and evolving character of the human rights movement.

Of the conventions listed in the table, only two, the Conventions on Slavery and Status of Refugees, have been approved by the United States Senate which must approve all treaties. Few conventions have been submitted by any President of the United States to the Senate and even fewer have passed the Foreign Relations Committee. The Constitution states *"The Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made or which shall be made, under the authority of the United States, shall be the supreme law of the land,"* taking precedence over laws and constitutions of individual states. In recent years the United States Senate has taken the position that matters dealing with human rights or labor are of domestic concern and therefore not subject to international treaties (Bricker Amendment). Richard N. Gardner, Professor of Law at Columbia University and former Deputy Secretary of State for International Organization Affairs, in a paper accompanying a letter to the Foreign Relations Committee in March 1968 argued that matters involving the relations between a government and its own citizens can be of sufficient international concern to be included in treaties between the United States and other countries. Since 1890, the decisions in *Geofroy* v. *Riggs*, 133 U.S. 258, 267 the Supreme Court established that the relevant test for a treaty is whether it deals with a matter which is "properly the subject of negotiation with a foreign country." The participation of the United States in the War Crime Trials following World War II provides evidence that the United States has accepted the position that the treatment of a human being any place is a matter of international concern. Mr. Gardner presented a list of 14 treaties made by the United States which expressly dealt with the relation of individuals to the state. Mr. Gardner lists four reasons why the United States should ratify a Convention:

1. *Ratification by the United States will encourage other nations to adhere to these conventions and implement their provisions in their own territory. This is particularly true of newly independent countries that frequently take U.N. conventions as a model. Former*

United Nations Ambassador Goldberg has put this point sharply; "Without the support of the United States, these agreements may appear insignificant to many other countries. If we do not consider it important to sign the conventions, why should they? Or, more importantly, why should they implement the conventions?"

2. Ratification will put the United States in a better legal and moral position to protest infringement on these human rights in countries that have ratified the conventions but fail to implement them in practice.
3. Ratification will increase United States influence in the continuing of the U.N. process of adopting legal forms in the field of human rights. As long as the United States fails to ratify any human rights conventions its views will carry less weight than they deserve.
4. Ratification will displace the embarrassing contradiction between our failure to ratify these conventions and our traditional support for the basic human rights for which they are concerned.[2]

Mr. Gardner counters the argument that ratification of Human Rights treaties will start us down a "slippery slope" to profound and undeniable alterations in our constitutional system, by stating that the "common sense and good judgment of the President and of the Senate, without whose approval the treaties cannot be ratified are proof against this ominous possibility."

In President Johnson's statement declaring 1968 as International Human Rights Year he stated, "American ratification of these (human rights) conventions is long overdue. The principles they embodied are part of our own national heritage. The rights and freedoms they proclaim are those which America has defended—and fights to defend—around the world. It is my continuing hope that the United States Senate will ratify these conventions."

FOOTNOTES

[1] For a complete discussion of the complexities of the problems involved in constructing Article 17, see D. R. Justino Jiminey de Arechaga, "The Background to Article 17 of the Universal Declaration," *Journal of the International Commission of Jurists*, 7 (Dec., 1967), 34-39.

[2] Letter from Richard N. Gardner to the Senate Foreign Relations Committee, March, 1968.

TABLE: STATUS OF MAJOR INTERNATIONAL CONVENTIONS RELATED TO HUMAN RIGHTS

Convention	Date Adopted by UN	No. of States Ratified	Ratified by U. S. Senate
Freedom of Association (ILO)	1948	74	no
Freedom and Punishment of Genocide		71	no
Equal pay for work of equal value for men and women (ILO)	1951	54	no
Status of Refugees	1951	53	10/15/68
Political Rights of Women	1952	55	no
Status of Stateless Persons	1954	18	no
Abolition of Slavery and Slave Trade (Supplement to 1926 Convention)	1956	70	11/2/67
Abolition of Forced Labor (ILO)	1957	78	no
Nationality of Married Women	1957	37	no
Forced Labor	1957	78	no
Discrimination in Education (UNESCO)	1960	36	no
Reduction of Statelessness	1961	1	no
Consent to marriage, minimum ages and regulation of marriages	1962	17	no
Elimination of Racial Discrimination	1965	18	no
Elimination of Religious Intolerance	1967 (?)	....	no
Freedom of Information	Being Drafted	....	....

Basis For Human Rights

CHAPTER THREE

The International Bill of Rights and numerous conventions supporting it are based on certain values about man, his character, and the purposes for which man exists. These values are assumptions or statements of faith which cannot be proved empirically. They are the results of the long experience of the human race and are a consensus which serves as criteria for evaluating man's behavior. Human rights are presently undergoing a continuous reassessment, refinement, and restatement. This process will, no doubt, continue as man constantly attempts to better understand his relationship to himself, his relationship to others, and his place in the universe.

Lawrence Metcalf questions the current teaching of values in the school:

Social studies teachers believe in teaching values as well as facts. Their many objectives always include a few attempts to teach students to be good. How this can be done without indoctrination has never been clear to most of us . . . Perhaps a return to subject matter, a reinterpretation of problem solving, and a new emphasis on logic will help teachers to entertain the hypothesis that teaching people to be good is not their province. Teaching and understanding of how values affect and even distort perception is within their province. Teaching

that certain values are inconsistent with other values is within their province as logicians. It is even their job to teach that some values are democratic and how democracy is different from other systems in its effect on human development. But no one, least of all teachers, can tell the American people what their values are to be.[1]

Metcalf's statement raises valid points. Indoctrination is not the method of teaching values most applicable in a democratic society. It is equally invalid to assume that teachers should tell the American people what their values are to be, regardless of George S. Count's *Dare the Schools Build a New Social Order?*[2] Yet in the area of human rights it is being argued that there is a core of values emerging from documents and history which have universal application and is worthy of teaching. Is this kind of indoctrination—if it may be called that—desirable?

Regardless of the validity of the issues Metcalf raises, the fact remains that social studies teachers do deal with values. Their very presence in a classroom is the result of a myriad of complex values some of which emphasize the importance of an education. It is the rare scholar who can present material *wie es gentlich* gewesen ("how it actually was").[3]

Metcalf's questions do necessitate the establishment of a criterion which can be applied to the values which should dominate the American classroom. Several of these components have been suggested by Metcalf. Obviously statements of human rights or those dealing with any other social science concept should be analyzed logically and assumptions identified. As Metcalf encourages, alternative solutions should be presented which enable students to recognize those solutions which may be adapted to a democratic society and those which are only acceptable in a totalitarian structure or a state of anarchy. While it may be legitimately questioned whether any values are universally accepted, the democratic tradition represents that core of values most widely accepted in the United States. This democratic tradition is difficult to define. It involves the concepts of equality of opportunity, faith in human intelligence, individual integrity, majority rule, and freedom within a society which provides for peaceful social change.[4] Granted, the values within the democratic tradition are not fully refined and they are subject to change and reinterpretation. However, they

do represent a basis for teachers and students to use when examining alternatives which deal with human rights issues.

To advocate the existence of certain human rights does not preclude the necessity of studying the evolvement of these rights and an analysis of their consequences in the light of present day conditions. Dewey stated:

There is one point which without controversy is desirable: that the child should recapitulate the progress of the race, that he should go back of present conditions where everything seems to be given, almost without exercise of intelligence . . . should get himself back in his imagination of primitive conditions of man . . . and then follow in his constructive imitation the typical steps by which man has seized upon salient points of the situation . . . which has given the practical momentum onward in civilization. . . .[5]

Using history as a cultural memory of the human race, each individual human does not have to repeat the errors of the past but may progressively build upon Dewey's "Practical Momentum Onward in Civilization." True, each individual must evaluate the present status of the human race; he must evaluate the existing standards of human rights in order to refine them. Without this capacity progress would be impossible. But, evaluation of the existing values does not take place in a vacuum—there must be some criteria or standard for comparison. This standard is developed by the experiences to which a child is exposed—the answers which our present society gives. There is a period within each child's life when he is very impressionable. The creed to which he is exposed at home and in the early grades will influence how he reacts to situations throughout life. All later thinking the child does is drawn from the processes established at this early age. Every person has an individual frame of reference, yet each should have common threads with every other.

Finally, and no less important, no teacher can withhold the influence of his own convictions. It is hoped that the democratic tradition guides the teacher's actions, but teachers are not and should not be, intellectual eunuchs. The most scrupulous respector of the freedom of other minds will, the more scrupulous he is, convert his students or his public to his own scrupulousness. The right of freedom of minds, maxims of consistency and experimental proof, of intel-

lectual honesty, and of tolerance and persuasion are themselves a creed. Together with their personal and social implications, "*they constitute a body of indoctrination to which no objection can consistently be raised, for he who objects is in that very act indoctrinating.*" [6]

Richard Gross and Leslie Zeleny agree with Metcalf that the fundamental responsibility of educators is to organize classrooms in a manner which give youth practice in decision making.[7] They put the decision-making process within a value context when they say, "*The ability to make responsible individual decisions is a requirement for worthy American citizenship.*" [8] The values which they consider essential are similar to many of those identified in the Universal Declaration of Human Rights and accompanying documents. Among them are Faith In the Dignity and Equality of Man; Belief in a Moral Law and Government by Law; Faith in the Reason of the Common Man; Belief in Cooperation in Problem-Solving to Promote American Concern; Faith That There is a Purpose in Democracy and in the Progress of America; and the Idea of a Free, Responsible Labor and Enterprise.[9] Gross and Zeleny also agree that students need to realize that democracy is never a finished product and that the national interest of the United States is now intimately tied to the welfare of the people all over the earth.

Shirley Engle also believes that there are basic ideas or concepts in terms of which all human experiences can be explained. Among the nine concepts he mentions are the following:

The concept of social group, *including the relationship of the group to the development of the individual.*

The concept of political organization, *including the nature of political rights and responsibilities and the means of political control.*

The concept of freedom, *in relationship to personal security and social control.*

The concept of growing interdependence *between individuals and groups.*[10]

Dr. Engle believes that these basic ideas are common to all human experience because the current social problems in any society are merely local variations of basic problems common to all society. The better the degree and quality of understanding of these concepts as they relate to social problems, the better we will be able to deal with

them. Terms such as "development of the individual," "political rights," "responsibilities," "freedom," and "personal security" have value connotations which must be identified and dealt with in developing the relationship between an individual and society.[11]

Further evidence that man must identify, agree upon, and advocate certain human rights is suggested by Kahn when he says:

. . . He (man) is, however, through long, hard and bitter experience, beginning at last to recognize that war and the use of force are not beneficent methods of settling disputes. Indeed, history shows that they settle little and unsettle quite a lot.

. . . While, therefore we must try to safeguard the right to differ, to question, to dissent, and on occasion, even to protest, we must at the same time strive to secure that our differences, in every sphere—religious, philosophical, scientific, economic, political or whatever, should act and react beneficently and not destructively. When they threaten to become acute, they must be regulated, and must be sought to be resolved or adjusted through the adoption and agreed peaceful procedures. This means, broadly, that we must also submit voluntarily or, if needed, reluctantly, and even under constraint, to what comes to be described as the rule of law.

. . . Man's struggle for freedom, justice and equality has been waged in all ages and in many fields and theatres with varying fortunes. Each of these battles and the ground won in each, have, in turn, forwarded the cause of man and have contributed toward the formulation and adoption of the Declaration, which is entitled to rank with the great historical documents and charters which were directed toward the same objective.[12]

The Declaration and supporting covenants and conventions advocate or indoctrinate a set of behaviors and beliefs that are intended to regulate man's relation to his fellow man. Paradoxically, these regulations in the areas of conformity are demanded to protect individual dignity and freedom. There is a danger of so narrowly interpreting the meaning of human rights, the behaviors representative of an individual practicing them, and the acceptable processes of evaluating them, that a single ideology would emerge rather than guiding principles which allow diversity making the actual practice of human rights all but impossible. Under these conditions education would become rigid, narrow, and arbitrary, thus representing all the negative conno-

tations generally associated with indoctrination or the totalitarian state. The implementation of human rights in terms of specific actions and skills might well mean major losses of the very rights that education is intended to extend.

Kahn feels that it is important to obtain a wider recognition of the need to insure that human rights carry with them sanctions which would serve to make these rights enforceable through the judicial process. This should be carried out through the legislative and judicial process of each of the national states. This is an ideal situation, but there are many instances where this process has broken down. For instance, he points out that in 1964, one nation passed discriminatory legislation based on difference of race. In another a grant of habeas corpus has been made subject to suspension by the executive. In another a legislature has removed judges at its pleasure; and in still another arbitrary detention has been extended from three months to a full year with whipping penalties added for political offenses.[13]

These violations of human rights are recognized as violations only because man has agreed on what rights a human should have. It can be empirically demonstrated that these acts did take place, but, at the present time, it cannot be scientifically proven that these acts are "bad" or in violation of human rights. These acts are violations of human rights only because the peoples of the world have agreed upon which rights a person should have; they believe to the point not only of advocating or indoctrinating these rights, but they also are developing sanctions to insure conformity in the guaranteeing of these rights. The Universal Declaration of Human Rights is an instrument to be used in the induction or indoctrination of the individual into the human society. To indoctrinate or teach a belief or principle is an inherent part of all educational activities whether it be the inculcation of human rights or the advocating of logical analysis. Indoctrination becomes harmful only when it precludes analysis of its value assumptions or restricts inquiry into other alternatives. While the position is taken that these are identifiable core values dealing with human rights, all of these values have not been identified in any historical period. A democratic society must preserve the right to investigate any alternative values which do not threaten the development of an orderly society.

The inculcation of a belief in human rights is a conscious and systematic effort on an international scale. Dr. Thomas F. Malone at the

time of his appointment as chairman of the United States Commission for UNESCO stated in June, 1967:

This Commission is happy to concur in the resolution of the UN General Assembly calling upon all member nations to observe this special anniversary of the Universal Declaration of Human Rights. Within the extent of the Commission's resources, we intend to encourage seminars, national conferences, lectures, articles, discussions, and through all forms of mass communication, to help bring about a full recognition of the significance of the Declaration and its relationship to world peace and stability. . . . We expect to carry on the program in cooperation with the constituent members of the National Commission, as well as through all recognized national, civic, religious, educational, labor and business organizations throughout the country.[14]

On the same occasion, Mr. Frankle, then Assistant Secretary of State for Educational and Cultural Affairs, said the United States is "*well advised to move forward on a premise that it is at once American and a basis for international understanding and justice—that a viable peace is necessarily defined in the terms of protection of human rights. These include, on one side, individual freedom protected against government interference and, on the other side, rights to work, to education, to human dignity which can only be achieved by social or governmental action.*" [15] It may well be that just as freedom is dependent upon certain restrictions of actions so is freedom of thought dependent upon adherence to certain universal values. A scientist gains power to control and utilize knowledge, not by violating scientific laws, but rather by improving his understanding of them so that he may use them more accurately and effectively. As man more accurately defines the nature of man and his relationship to the rest of the human race, he will be able to continuously improve his definition of human rights and responsibilities so that mankind, individually and collectively, may operate more effectively in a world society.

The social and behavioral sciences are acquiring new information that may complement, modify, and/or reinforce the areas of philosophy, ethics, and religion in their efforts to develop a system for guiding life. Rather than conflicting with or being neutral to human rights, Abraham Maslow believes that science is the best hope for constructing a system of values to help men with the good life. It is interesting to note that his use of psychology in developing a humanly useable theory of human motivation reinforces rather than contra-

dicts the values underlying the Universal Human Rights documents, even though most of the bases for these rights were religious and humanistic in origin. He states that there is uniform agreement among biological theorists in considering increasing autonomy and independence of environmental stimuli as the defining characteristic of full individuality, and true freedom, of the whole process.[16] Maslow identified two kinds of people. "*Biological theory appears to reinforce religious and humanistic interpretations of human rights values. The first is a person operating only through satisfaction of his basic needs that are born out of being deprived of certain satisfactions or deficiencies such as ungratified wishes for safety, for belongingness and identification, for close love relationships, and for respect and prestige. The need for safety, belongingness, love relations, and respect can be satisfied only by other people or from outside the person. A person operating only through satisfaction of his basic needs is in a dependent position and cannot really be said to be governing himself or in control of his own fate. He is beholdened to the sources of supply of need gratifications. Their wishes, their whims, their rules and laws govern him and he must be appeased lest he jeopardize his sources of supply. He must be 'other-directed' and must be sensitive to other people's approval, affection, and good-will. This is the same as saying that he must adapt and adjust by being flexible and responsive and by changing himself to fit the external situation. He is a dependent variable; the environment is a fixed and independent variable.*" [17]

This kind of anxious dependence breeds hostility, due to fear of the environment which may well fail or disappoint him. All of this adds up to the lack of freedom. Many of the human rights identified, especially those included in the Covenant on Economic, Social and Cultural Rights, are designed to insure individuals receiving their basic economic and social needs. Obviously safety, belongingness, love relations, and respect cannot be absolutely guaranteed, but the economic and social environment and the attitudes of people toward human rights can be influenced so as to greatly reduce the possibilities of a "deficiency" environment which could lead to a negatively "deficiency motivated" individual. Civil and political rights can have meaning only if the individual is capable of using them. As Maslow points out, restrictions may exist not only in the outside environment but may also

be created within the individual resulting in a deficiency motivated person who is other-directed and unable to operate as a free individual.

The growth-motivated person identified by Maslow has sufficiently gratified his basic needs for safety, belongingness, love and respect, and self-esteem so that he may be motivated primarily by trends to self-actualization defined as ongoing actualization of potential capacities and talents, as fulfillment of mission or call of fate or vocation, as fuller knowledge of and acceptance of the person's own intrinsic nature, and has an increasing trend toward unity and integration within the person. People motivated by growth needs are characterized by 1) superior perception of reality, 2) increased acceptance of self, of others, and nature, 3) increased spontaneity, 4) increase in problem centering, 5) increased detachment and desire for privacy, 6) increased autonomy, and resistance to inculturization, 7) greater freshness and appreciation, and richness of emotional reaction, 8) higher frequency of mystic experiences, 9) increased identification with the human species, 10) changed, (improved) interpersonal relations, 11) more democratic character structure, 12) greatly increased creativeness, and 13) certain changes in the value system.[18]

In growth motivation "*there is no climax or consummation, nor orgasmic moment, no second state, even no goal if this is defined climatically. Growth is instead a continued, more or less steady upward or forward development. The more one gets the more one wants so that this kind of wanting is endless and can never be attained or satisfied.*" One's safety, love, and status is realized from the environment, and then the real development of individuality can begin, each person proceeding to develop in his own style, uniquely. For the completely fulfilled growth-motivated individual, freedom from servitude or forced labor; freedom of travel; freedom of access to information; protection from interference with privacy; freedom of thought, conscience, and religion; freedom of expression; and the rights to take part in the conduct of public affairs become meaningful and important.

The experiences of history, information from science, human feelings and emotions, philosophy, religion, and concepts from the other social sciences are sources to be used in identifying and reaching agreement upon human rights. They are also the sources for continued reassessment and revision of these rights, but ultimately these

rights are value judgments which are not fully subject to empirical verification. Yet, human fulfillment and perhaps human existence depends upon their universal acceptance.

PROBLEMS OF IMPLEMENTATION

The Preamble to the Declaration of Human Rights says that "the inherent dignity" of each member of the human family is the starting point of the Declaration. This means that the individual, not a nation or government is the "foundation of freedom, justice and peace in the world." After pointing out the existence of barbarous acts and contempt for human rights in the past, the Preamble goes on to state that human rights should be protected by the rule of law. Historically, the protection of citizens has been the responsibility of national states. It is also true that national states have been the greatest violators of human rights in the past. Under these circumstances the Charter makes it plain that the individual and his rights take precedence over any government or national state. Lauterpacht, basing his arguments on the Charter, suggests that in the case of individuals, international law should take precedence over national law:

". . . *Irrespective of the question of enforcement, there ought to be no doubt that the provisions of the Charter in the matter of fundamental human rights impose upon the Members of the United Nations the legal duty to respect them. In particular, it is clear that a Member of the United Nations who is guilty of a violation of these rights commits a breach of the Charter. . . . It would therefore appear that the extent to which the Charter incorporates obligations to respect the fundamental rights and freedoms, it amounts to recognition of individuals as subjects of international law.*" [19]

The Nuremberg trials, as controversial as they may be, are an example of the international community making the treatment of the state's own citizens the subject of criminal proceedings in an international court. These principles have been embodied in the Code of Offenses against the Peace and Security of Mankind by the General Assembly of the United Nations. Economic sanctions against the Republic of South Africa because of its apartheid policies in violation of human rights is another example of international cooperation of enforcement of international law when a national state violates the rights of its citizens. The United States has taken part in both the

war crimes trials and the sanctions against South Africa. Shortly after the Declaration was passed, the General Assembly at the bidding of the United States adopted a resolution declaring that Soviet measures preventing Russian wives leaving the Soviet Union with their foreign husbands were "not in conformity with the Charter," and cited Articles 13 and 16 of the Declaration to support their action. Even though there is general acceptance of the principle that human rights supersede national laws or national boundaries, and even though there is much precedent for invoking international law when a national state violates the rights of its citizens, there is much hesitation throughout the world including the United States to accept human rights as subject to international law. Not only was this principle not accepted, but Article 2 of the Charter, Number 7 says "*nothing in the Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state.*" This now famous Domestic Jurisdiction Clause has been used to defend the position that human rights are purely a domestic or national concern, but it is becoming increasingly accepted that interference with an individual's human rights cannot be considered to be solely within the jurisdiction of any state. Opposition to international enforcement of human rights has been especially strong in the United State as reflected in the Bricker Amendment during the decade of the 50's.

The danger of abuse is always inherent in such general statements as "humanitarian intervention" or "the common good." German treatment of the Jews during World War II and Russian intervention in Hungary (1956) and Czechoslovakia (1968) were carried on under the guise of such terminology. As a result the doctrine underlying humanitarian intervention has never become a fully acknowledged part of international law.

Within the United States there is genuine legal and constitutional concern about the relationship between international treaties and the American national legal order. The American Bar Association has opposed the supplementary Slavery Convention and the Convention on the Political Rights of Women because they tread unconstitutionally upon the relations between a government and its citizens. Yet, the American Bar Association is noted for its defense of human rights. Senator Fulbright in defending the reluctance of the Senate Foreign Relations Committee states:

. . . Its (the Foreign Relations Committee) action was not capricious and was not based on any reluctance to subscribe to the proposition that 'forced labor' is inconsistent with the dignity of man, that women are entitled to full political rights and that genocide is a crime against humanity. Rather, the Committee's action was based on constitutional concerns which are at least not unreasonable and, at most, of the fundamental nature.

"These concerns arise from the fact that a treaty can alter fundamental parts of our national legal order, as for example, transferring power from the states to the federal government (Missouri versus Holland). When a question arises that might disturb the constitutional balance between the branches of the Federal government and the states, it poses a decision which is not to be taken lightly—on emotional propaganda grounds, for example. . . .

"The area of human rights is new for treaty making. It is an area in which we must proceed carefully and rationally, especially in these days of increasing concentration of power in the executive and in the Federal government. . . .

"In the last few years, I have become increasingly wary of either hasty or routine consideration of measures which may prove to have ramifications and impact beyond those contemplated by Congress at the time it acted. I hope you will agree with me on the need for Congress to study carefully any undertakings that might result in basic changes in the distribution of governmental powers." [20]

Gross and Zeleny, recognizing that the national interest of the United States and security are now intimately tied to the welfare of people all over the earth, point out that "democracy is never a finished product. Even the founding fathers recognized the impermanence of conditions of life in the United States. They also knew that all change does not mean progress. This resulted in the fundamental documents with their check and balanced provisions for change, which allowed time and reflection on the part of numerous persons before basic provisions are enacted." [21]

Even though the United States and other nations have often been reluctant to make international agreements in the field of human rights, trends indicate that all nations are increasingly becoming a party to agreements and arrangements to implement the protection of human rights. These arrangements mean that accommodations will have to be

made within the frameworks of all national governments including those of the United States.

The dynamic nature of a free society, even though at times it appears distressingly slow, is an effective way of furthering free institutions within a system controlled by the rule of law. It may well be that those who are too impatient to wait for an orderly change in the legal structure may be the greatest enemy of human rights. Law is a means by which individuals are related together in any given community and by which they enjoy, or should enjoy, the best things of life together. Law has a great deal to do with the freedom of the individual to live his life as he wants to. Law, therefore, is the foundation of human rights and, particularly, of those individual freedoms which may be considered as basic to all other human rights. However, the time has come to question whether laws restricted by national boundaries are adequate to protect human rights when these rights have overflowed national boundaries and are now world problems. When a national government violates the rights of its own citizens, it is not long until that same government begins violating the rights of peoples in other lands.

Up until the present time, the greatest impact of international documents has been the moral influence which they hold upon individuals and governments. The principles of the Universal Declaration of Human Rights have been embodied in the Japanese Peace Treaty and the Agreement dividing Trieste between Italy and Yugoslavia. Trusteeship Agreements under the auspices of the United Nations required incorporation of the Declaration of Human Rights. The Declaration—all or in part—has been placed in the Constitutions of practically all the new governments in Africa and in the All-African Charter. The Constitutions of Cypress, Jamaica, Trinidad, and others also include materials very similar to those in the Universal Declaration of Human Rights. The Peace Treaties of 1947 (although preceding the Universal Declaration) of Italy, Finland, Bulgaria, Hungary, and Rumania also incorporated reference to the necessity to secure to all people within their jurisdiction the enjoyment of human rights. It is also safe to assume forces have been at work within the national governments of older states. The Civil Rights Movement in our own United States is but a fraction of the world wide human rights movement.

Although at the present time the United Nations' power to enforce human rights laws is limited, the efforts of such affiliated groups as UNESCO and ILO have been active in disseminating human rights information. By mid 1967, 26 regional seminars on human rights had been organized dealing with such problems as human rights and criminal law and procedures, increased participation of Asian women in public life, and extension of human rights. UNESCO also makes advisory services available to the governments. In addition, the reports of the Economic and Social Council continue to be a force in the protection of human rights and fundamental freedom.

At the present time, each country has the final say in human rights, but international documents are influencing court decisions within nations. Costa Rica enacted a new Constitution based upon the wording of corresponding rights in the Universal Declaration of 1949. The Provincial Legislature of Ontario, Canada, adopted an act to strengthen human rights practices in 1951 and an act to promote further accommodations in 1954. The Preamble of each Act declared that the act is ". . . *in accordance with the Universal Declaration of Human Rights as proclaimed by the United Nations.*" The government of Panama passed a law in 1956 which prohibits discrimination on account of birth, race, social origins, sex, religion, or political opinions. Its Preamble states that discrimination is "a flagrant violation" of both the national constitution and "of the Universal Declaration of Human Rights adopted by the General Assembly of the United Nations in December, 1948."

The Supreme Court of the Netherlands overruled the Panel Chamber of the Court in a case involving freedom of the press. The original decision said that freedom of press was not an absolute right and that the modern tendency was to give greater prominence to public interest. The Supreme Court of the Netherlands held this contention was disproved by the adoption of the proclamation of the Universal Declaration of Human Rights by the General Assembly of the United Nations. Belgian courts and Italian courts have also invoked provisions by the Universal Declaration that none shall be arbitrarily denied the right to change his nationality. The Supreme Court of the Philippines ordered the release from custody of a stateless person about to be deported and placed him under the surveillance of the immigration authorities on the basis that the Universal Declaration

proclaimed the right of everyone to life and liberty, to the rights and freedoms set forth in the Declaration without distinction, the right of everyone to an effective remedy and the prohibition of arbitrary arrest, detention, and exile.

Step by step the United Nations has gradually strengthened the commitment of member states to observe human rights and fundamental freedoms. There has been a corresponding acceptance of the legality and morality of international human rights documents by national states. As a result, there has been a gradual extension of United Nations powers in the area of human rights. International law is undergoing fundamental change through these developments. In a relatively short period, the Universal Declaration of Human Rights has become a part of the Constitutional law of the world community with promise of even more significant contributions in the future.

FUTURE DEVELOPMENTS

Increasingly, respect for human rights is being recognized as an essential component of a peaceful world. Human society will not reach a level of maturity sufficient to replace war and violence with peace and justice until it becomes capable of assuring, in both theory and fact, the fundamental freedoms of all its members. As Norman Acton, Secretary General of the World Veterans Federation, states:

. . . The quest for both peace and freedom must go forward together—neither will be achieved or have meaning without the other. . . . This means that the agreed rights must be codified as law, and that mechanisms must be established to ensure that the values set forth in the law are promoted and, if necessary, enforced. It means that those aspects of the question which have a more than national character should be the subject of international agreement, and that the facilities for the promotion and enforcement of such agreements should exist. It means that less formal, but potentially vital, some resources, such as non-governmental organizations and communications media, must accept responsibility for keeping the spotlight of public opinion shinning on the performance of these tasks. In short it means that effective protection of human rights will come about when the institutions man has devised for the operation of his society are mobilized for this purpose.[22]

Arthur Larson, Research Center at the Duke University School of Law, agrees that there must be some type of world legal system. However, this world legal system must be worthy of the name and contain ingredients which will make the system workable. These four ingredients include:

1. *A body of law that is acceptable, up-to-date, and capable of deciding the disputes which cause tension in the world as it is today.*
2. *Machinery to apply that law-machinery which is also accessible, up-to-date, and adapted to settling the kinds of disputes that today's world produces.*
3. *Acceptance of that body and that machinery of law by the persons affected—and here we must remind ourselves that many of the people of the world do not regard present international law and tribunals as their law and their tribunals.*
4. *Compliance with the decisions of international tribunals once they are rendered.*[23]

The rule of law which is necessary to protect human rights of necessity brings power to the enforcing body. Just as there is fear of increased centralization of power on the national level, there is also fear of such centralization on an international level. Here as on the national level, although the power is to be feared, it also must be controlled and used for protection which no other agency is capable of giving.

Institutions are even now being discussed which may eventually make international protection of human rights a reality. One of these is the High Commissioner of Human Rights. This idea was originally suggested by Mr. Jacob Blaustein in his Dag Hammarskjold memorial lecture in 1963. He suggested that the General Assembly or the Secretary General of the United Nations appoint an independent person as the United Nations High Commissioner for Human Rights. Such a High Commissioner could among other things, lend his good offices to governments and be available at their request to investigate situations where there have been alleged violations of human rights. He could assist underdeveloped nations in the organization of various institutions for the promotion of human rights and could assist the Commission on Human Rights in its review of the periodic reports from governments on human rights.

The Commission on Human Rights in 1967 suggested the adoption by the General Assembly of a resolution establishing a "United

Nations High Commissioner's Office for Human Rights" organized in such a way that the High Commissioner would have a degree of independence and prestige required for the performance of his functions. The High Commissioner as recommended by the Commission on Human Rights would promote and encourage the universal and effective respect for human rights and fundamental freedoms for all. The High Commissioner would maintain close relations with the General Assembly, the Economic and Social Council, the Commission on Human Rights, and other organs of the United Nations and other agencies concerned with human rights. He could give advice and assistance wherever it was requested and have access to communications concerning human rights. Whenever he deems it appropriate he could bring problems to the attention of the government concerned and could make reports of the General Assembly on developments in the field of human rights.

Another area which is being developed is that of sanctions and pressures to bring about changes in any national policy when treatment of its citizens is clearly in violation of human rights. As the responsibilities of the High Commissioner evolve, and as the dynamic process of refining living documents continues, institutions may develop which will eventually lead to the development of procedures for the enforcement of international law on the most humane basis.

Another major change in the area of human rights may be the development of an international or "Global" Ombudsman. Violations of human rights continue throughout the world in spite of the International Bill of Rights and numerous Conventions and Declarations supporting it. At the present time complaints, or "communications" in UN language, of violations of human rights submitted by individuals are simply received and filed by the Commission on Human Rights. The Ombudsman is an institution which originated in Scandinavia and has spread to New Zealand, The United Kingdom, and even to Nassau County in New York. His responsibility is to protect the individual from the growing, indifferent, and impersonal bureaucratic structure so characteristic of modern industrial societies. In essence, in such countries as Sweden or New Zealand, the Ombudsman is a government official appointed to investigate complaints caused by individual or unexplainable acts of public officials. The Ombudsman has power to gain access to all information necessary to investigate the possible violation of an individual's rights without going through nor-

mal channels and extensive red tape. Problems which in normal channels may take months or even years to remedy can be done by the Ombudsman with the authority to investigate and rectify violations of human rights before they develop into proportions of international crisis, and an individual citizen would have recourse when his own government was violating his rights. Some see the role of the High Commissioner for Human Rights and that of the Ombudsman as being the same.[24]

Others see the Ombudsman function being carried on by Committees or individuals responsible to the High Commissioner. Frank Newman, Professor of Law, University of California, Berkeley, points out that the International Convention on the Elimination of all forms of Racial Discrimination, which the General Assembly adopted unanimously on December 21, 1965, has actually created a group of Ombudsmen. These men are called the Human Rights Committee and the Committee on the Elimination of Racial Discrimination. This concept could be expanded to cover all areas of human rights.[25]

When one considers possible future developments in the area of human rights, not only institutional arrangements must be included, but also the refinement of traditional human rights and the identification of new areas. One area which may become increasingly significant is that which deals with human privacy. As computers provide universally available data on individuals and as electronics and electrical devices make it increasingly possible to spy on individuals without their knowledge, principles will have to be refined which protect the privacy and individuality of each human being. As with any social or technological invention, the possible results can be both constructive and devastating. Relating these new developments to fundamental principles underlying the rights and freedoms of an individual should do much to insure their constructive service to humanity.

Another technological development which may affect the family is birth control with all its ramifications. There is already serious controversy on the birth control issue of the morality of bringing children into the world when the means of providing economic and social rights is not available. Controversy on the birth control issue has just begun. As means of breeding children through gene control are refined, and the techniques for controlling the sex of babies are developed, several areas of human rights will need to undergo major revision.

CONCLUSION

As world-wide consensus is developing on fundamental human rights, conflict inevitably arises between ideologies and national beliefs which are based on fundamentally different philosophical assumptions. Consensus on beliefs should not be interpreted as compromise where an individual or nation gives up beliefs which are considered essential for human development. But rather, statements of human rights should result from an identification of those values which are universally recognized as basic human rights. A universal statement of rights could result in a restriction on human rights if the statement were one of compromise whereby the lowest common denominator of human rights was accepted. On the other hand, a general statement of human rights can result in the broadening of the meaning of human rights in every country and culture; and, as these human rights are refined and interpreted, they can become even more effective instruments in expanding the potential and raising the dignity of each human being. In this light, the accepting by citizens of the United States of the United Nations Declaration of Human Rights does not negate our democratic values, but reinforces and broadens them.

FOOTNOTES

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[12] H. E. Sir Muhommad, Zafrulla Kahn, "World Peace and Human Rights," *Institutions for the Protection of Human Rights*, The World Veterans Federation, Paris, May 1964, 10-11.

[13] *Ibid.*

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[17] *Ibid.*, p. 3.

[18] *Ibid.*, 17-18.

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[20] Hersh Lauterpacht, *International Law and Human Rights*, Praeger, New York, 1950, 34-35.

[21] Letter from Senator J. W. Fulbright, Chairman of the United States Senate Committee on Foreign Relations, to Rev. Herschel Halbert, Chairman *Ad Hoc* Committee on the Human Rights and Genocide Treaties, Dec. 13, 1967.

[22] Gross and Zeleny, *Op. Cit.*, p. 172.

[23] Norman Acton, *Institutions for the Protection of Human Rights*, World Veterans Federation, Paris, May, 1964.

[24] Arthur Larson, "The World Rule of Law Idea," *Intercom.*, Foreign Policy Association, 9 (May-June, 1967).

[25] William Korey, "A Global Ombudsman," *Saturday Review* (August 12, 1967), 20.

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Teaching Ideas For the Promotion of Human Rights

CHAPTER FOUR

THE SUCCESSFUL TEACHING of human rights requires a positive attitude by the teacher. It is difficult to teach respect for mankind without first demonstrating those qualities which show concern for man. Therefore, the classroom teacher may have the most impact in the teaching of human rights by the example he sets within the school and the community. The more sincerely he believes in the brotherhood of man, the more successful he will be.

Two basic approaches are available for the teacher of human rights concepts. The first is a direct method which involves confronting the students with materials directly related with human rights. Through the examination of materials, class discussion which develops into a dialogue between teacher and student, and between student and student, significant progress in understanding of human rights may occur.

Other instructors would state that the direct method is overteaching—that it is impossible to teach human rights. Instead, they recommend a more indirect method whereby opportunities are created and utilized to develop the attitudes and qualities of mind necessary to the successful promotion of human rights. These teachers feel that human rights are learned from experience. Such childhood concepts as taking turns, playing fairly, telling the truth, and early emphasis that

other people have the right to be different are the more successful techniques by which human rights may be learned.[1]

If the child has an adequate home background, the indirect method may be very effective. Difficulty often occurs, however, in transferring concepts of fair play from familiar surroundings to where they relate to people and institutions which are different. In most neighborhoods in the United States, children's contacts in human rights are restricted. Fair play when it involves other children from similar sociological and racial backgrounds is not a major problem. It is when people come in contact with peoples of different social or racial backgrounds that their basic human rights values appear to be threatened. While the problem of communication between ghetto America and suburban America is evident, television is opening channels of communication which have already caused impact and change in many social areas.

By creating a formal program in the teaching of human rights, or the direct method, the teacher should attempt to utilize the experiences which have been gained through the indirect training received at home, in churches, and in the neighborhood. Through a program of graded experiences, the school program should be able to further develop the initial human rights concepts gained in the informal environment. A formal school program can offer experiences that will enable the student to successfully gain a better understanding of man's struggle for human rights which are usually unavailable to the student any place else.

Probably the most important stage in the development of human rights concepts as far as the public schools are concerned is the elementary school level. Through the basic elementary school practices of working together in groups, the child can be taught to appreciate the rights of others. It has been the elementary school teacher who has most frequently utilized group dynamics to create classroom interest. The recess games, spelling bees, group reading, and the elementary classroom programs for parents are a few examples of group action which promote cooperation and understanding. The elementary level of school is the best level for the child to learn familiarity with and the development of the primary social groups influencing him.

As the child grows older, his concerns increasingly involve the greater community. While the greater communities of man certainly may and should be examined in the elementary school, secondary

school provides an opportunity for a greater analysis in the formation of the principles which concern the freedom of all mankind. By the secondary school level, the student should have learned the basic human rights and the basic human responsibilities. It is unfortunate that in many cases, the secondary school program of teaching human rights in the United States is merely an extension of the elementary school program rather than an opportunity to examine areas in depth and to derive generalizations which may be utilized in later life.

The teaching of human rights is usually considered the province of the social studies, but its principles and concepts may and should be developed in all academic areas. Rather than the secondary social studies being a repeat of the same American history and American government which was taught in the elementary school, the student should have the opportunity to make decisions on the basic problems of man's human rights based upon plausible alternatives. It is through this examination of alternatives that man gains respect for the ideas and practices of those who differ with him. Rather than being told to respect a viewpoint, he has the primary materials and sufficient contact with logic patterns to personally gain a respect for other viewpoints. While the method of teaching human rights involves a philosophical approach to teaching, there are individual techniques and ideas which may simplify the conveying of the significant human rights concepts.

1. The Mythical Community

This technique is particularly effective on the elementary school level but could be adopted for junior high or senior high school students. A mythical town can be created with streets, residential neighborhoods, businesses, schools, and a population mixture which represents all groups of the United States. Children would be assigned a home area within the town and given information about their neighborhood, salary, position, background, and their mobility on the social scale. Through the use of this mythical community, a number of situations could be created whereby the children would be forced to make decisions. One example would be to move a Negro family into a prior all-white community thereby disrupting the existing status quo. Each child in the class or each child on the assigned block where the Negro family was moving could react (1) as he felt the individual within a real

community would act, and (2) as an individual should react if all emotional aspects of the situation are removed. Similar problem areas could be created concerning people of different religious backgrounds, hippie invasions, bussing to create racial balance, a man looking for an integrated housing situation, and perhaps even a situation where the traditional neighborhood school is eliminated for purposes of conversion to the educational park plan.

2. UNICEF

Although familiar to most and criticized by many the UNICEF Trick or Treat for Children's Relief is an avenue which can be expanded in every community of the United States. While it is possible to isolate programs within UNICEF with which many Americans might not be sympathetic, by every indication the main purpose of UNICEF is to improve the living conditions for children throughout the world. Although teachers in some communities would suffer public criticism for encouraging a UNICEF Trick or Treat activity for their class, the program is one which could and should be utilized by many more communities in the United States. Churches and other civic groups may be even more effective than the public school in using this avenue. By actually working to improve the conditions of children throughout the world the student will have a far better understanding of the meaning of human rights than any textbook or lecture could provide.

3. United Nations Day

Since its inception in 1945, the United Nations has played a major role in the process to secure universal human rights. A United Nations Day could involve every faction of your local community. Whenever possible, utilize local government, churches, and schools, to carry out various aspects of the program. Materials on the procedures to be followed in establishing a United Nations Day are available from the United Nations Publication Service, 345 East 46th Street, New York, New York 10017. This publication gives numerous examples of school programs, methods of obtaining speakers, and general suggestions on how to make the community United Nations Day a successful venture. The local classroom could serve as a focal point for involving the entire community in better understanding and better com-

munications between the goals of the United States, and the goals of the United Nations.

4. Documents

Hopefully the average United States citizen is familiar with words and phrases expressed in such documents as the Declaration of Independence and the Preamble to the Constitution of the United States. A classroom technique which would enable students to observe visually the similarities between the goals of human rights in the various families of man would be a comparison of the basic documents of freedom. The more familiar American documents could be compared with the French and their Declaration of the Rights of Man, the British and their Bill of Rights of 1689, the Preamble from the U.S.S.R. Constitution, and the Declaration of Human Rights of the United Nations of 1948. While there are differences in each of the documents listed, the similarities of their goals for mankind are the elements which should be stressed in our complex and often violent society.

5. Mock United Nations

Mock United Nations Assemblies are held in many localities throughout the United States. Frequently a local college will host the assembly while neighboring high schools are designated as specific countries. After preparation for the selected discussion topics the secondary school delegation visits the college campus and in the mock assembly reacts to the topics much as the actual delegates of United Nations would react. In this way students are better able to understand the complex variables which frequently force nations to abstain in what may seem to the United States, to be a significant vote, or perhaps even to vote against what the American citizen feels is a policy for the best interest of the United States and the world. The same approach can be utilized in a single classroom where the individual student or a group of students is given a classroom assignment designating him to represent a specific country's viewpoint at the mock council. By writing directly to the embassies of the countries involved, the student frequently may obtain information expressing his "adopted" country's attitudes on many of the world problems of today. Here again is an opportunity to stress better communication between international neighbors.

6. Translation

While direct examinations of such documents as a Declaration of Human Rights have value as a point of departure for class discussion, another approach is to have a student translate the language utilized in official documents into language which can be better understood by people of his own age group or his own community. Perhaps a secondary school student could prepare materials which would be utilized by elementary school students. Another approach would be to take a national or international document and rewrite it to deal with specific problems which confront the nation and/or local community. Needless to say when human rights are put in the daily context, the individual has a tendency to be more concerned with their fulfillment and enforcement than when he does not come in contact with the problems.

7. Human Rights' Week

The United Nations' General Assembly has designated the 10th of December of each year as Human Rights' Day. As a result of a joint resolution of the Senate and House of Representatives of the United States the President of the United States has declared December 15 as Bill of Rights' Day. Because the United States' Bill of Rights' Day and the United Nations' Human Rights' Day are observed within a one week period in the United States, the President traditionally proclaims the period from December 10 to December 17 as Human Rights' Week. Assembly programs perhaps in conjunction with Christmas and its similar ideals might be particularly effective during this festive season. Information for promoting Human Rights' Day and Human Rights' Week can be obtained by writing to the U.S. National Commission for UNESCO, U.S. Department of State, Washington, D.C. Other materials for Human Rights' Week are available from sources listed in the bibliography.

8. Bulletin Boards

Decorate your classroom with posters. A number of posters are available from the UNESCO Publications Center, 317 East 34th Street, New York, New York 10016. Among the poster materials available are the following:

"The Gift of Knowledge," A photo feature of the UNESCO Gift Coupon Program. Available in English or French. Free.

"UNESCO and Human Rights," A set of twelve posters on UNESCO and implementation of the universal declaration, together with caption and discussion guides for classroom use. $1.00.

"For all Children," A set of ten posters on the Declaration of the Rights of the Child, together with captions and discussion guides for classroom use. $1.00.

"Information for All," A photo feature of UNESCO's work promoting the freedom of information. Free.

9. Films

The visual approach is frequently effective. A number of films are available and specific listings are available from sources listed. The "How to do it" series published by the National Council for the Social Studies includes a leaflet which would aid in the effectiveness of film presentations.

10. Exchanges

It is frequently possible to exchange letters and materials with a similar class in another country. It would also be possible for student groups within the United States to exchange letters and perhaps student delegations. A school in another state which is representative of a different ethnic group could be selected for communication. A suburban white Anglo-Saxon school could also arrange for an exchange program with a ghetto school. Both groups would better understand the attitudes of the other. Great care must be taken in a program of this type as without careful planning and orientation, the program could cause resentment and create more problems than it would solve. A program involving too short a period of contact, improper orientation as to the goals and purposes, as well as the selecting of students who are unable to adapt to new environments quickly are possible pitfalls which should be avoided.

11. Relating

Many lessons in human rights can be learned simply by the teacher emphasizing the role of a common activity in the overall scheme of man's human rights. The traditional American method of selling the

principles of human rights has been through the stories of heroes which have been found in all American texts since the *McGuffy Reader*. Going on class trips, the election of class officers, or celebrating the birthdays of famous Americans are all incidents which can be related to human rights training.

12. Role Playing and Dramatics

At selected intervals students can be chosen to react to situations dealing with basic human rights. When a person has human rights taken from him, even though it is in a hypothetical situation, he is better able to understand the problems and feelings of other citizens of the world who have been denied their basic human rights. The "How-to-do-it" series published by the National Council for the Social Studies provides suggestions to make role playing more effective.

Another technique would have the students selecting a problem in human rights which has been solved; the students would then prepare and present a play which illustrates the historical sequence. Other situations could be devised to show the frustration that exists in American life where certain human rights are still denied.

13. Briefing Conferences or Television News Programs

Using a format which has grown familiar on television, groups of students can prepare materials and then brief the remaining part of the class on human rights' problems.

14. Student Essays

Although the technique is probably overused, student essays on the subject of human rights at any grade level would produce tangible results. The better essays can be placed on the bulletin board along with some of the significant documents in man's progress toward universal human rights. Another way to use essays would be to exchange them between small groups of students who could then discuss and analyze them.

15. Reporting

Through the United Nations, the United States and other member states report their activities which were carried out in celebration of

Human Rights' Day. Your individual classroom may add to this record of the action program in the area of human rights by sending a report of its activities to the U.S. National Commission for UNESCO, Department of State, Washington, D.C.

16. Library Day

Have your school librarian locate and display books which promote the principles of human rights. The public library might be interested in a similar approach.

17. Cartoons

As overhead projectors become more available in classrooms, cartoons can be used as a means of stimulating conversation. Almost every daily newspaper carries a cartoon which can be applied to a human rights area. Most of these can be placed on transparencies by the classroom teacher. Cartoons placed on bulletin boards would also be effective.

18. Wars

Many elementary and secondary school courses overemphasize the place of war in the historical process. Whether the approach is valid is not the question; but the technique is used. While war itself is destructive, frequent steps in human rights progress may be identified with a period immediately following a war. Since so many teachers concentrate on the great war periods, it is suggested that additional emphasis be given to the human rights developments which may be connected with these wars.

19. Curriculum Centers

A number of the fifty-odd social science curriculum centers are producing materials which can be utilized in the teaching of human rights. The University of Georgia Anthropology Curriculum Project provides elementary school materials which will broaden the student's contact with other cultural backgrounds. The Sociological Resources for the Social Studies is another project which is providing episodes which may be implemented as units within most secondary school courses.[2] Other curriculum centers are also producing materials which will be of class-

room help. *Social Education* provides an analysis of the projects and their materials.

20. Political Platforms

A major political party will usually furnish you with a copy of its last political platform. Have your class examine the platform purely on the evaluative criteria of human rights.

All areas of the social studies may be utilized to promote human rights. In elementary school, such activities as recess activities, choosing up teams, taking turns, and group reading provide excellent opportunities to illustrate human rights concepts. Cooperation and the understanding of other people's problems are two essential elements in the attainment of universal human rights. The expanding communities concept of curriculum which prevails in the United States is another device which by the nature of its organization gives an opportunity to promote human rights concepts. Human rights orientations should complement the structure of the curriculum as the student studies ever broadening aspects of man and community life.

In world history many of the examples discussed in chapter one provide academic focus which can be related to man and human rights. Legal codes, the early Greek personalization of man, the nonviolence of Buddhism, humanism, the Renaissance spirit, the religious controversy following the Reformation and the various revolutionary movements which have engulfed the world are all human rights stories.

American history may be presented with its central thesis being man's struggle to legally guarantee the basic human rights to all citizens. There are numerous documents which describe the legalizing apparatus which Americans utilized. In addition the change provisions of the Constitution, numerous Congressional actions, the War between the States, Supreme Court decisions, the Marshall Plan, the muckraker era, and the United States contributions to the United Nations are important areas in American history which emphasize the human rights story. Power, conflict, religious toleration, and freedom, are other concepts which thread throughout American history, and which may be used to promote better understanding of human rights.

Numerous teaching techniques would be available in implementing concern for universal human rights. Once the classroom teacher is convinced of the necessity of teaching human rights, numerous opportunities for its implementation will become available.

QUESTIONS FOR DISCUSSION

1. Define human rights.

2. In view of the almost universal acceptance of the basic concept of human rights, why have a number of states, including the United States, not ratified all of the United Nations Conventions dealing with human rights?

3. Cite problem areas where basic human rights are being disregarded.

4. Why are so many men prejudiced? Does this evolve from feelings of fear? Insecurity? Lack of communication? Hate?

5. Can you cite examples of where prejudice exists in the United States? In your classroom? In your neighborhood?

6. Is it possible to discriminate against other groups although you personally do not come in contact with them?

7. Do all people view the attainment of human rights the same? Christian? Muslim? Hindu? Communist?

8. How are rights and responsibilities related in the attainment of universal human rights?

9. It can be said that the interpretation of human rights depends upon the particular society in which man lives. Keeping this statement in mind, but not necessarily accepting or rejecting its premise, is the United States a society which respects human rights today? In 1859? Do the Soviet Union and Communist China respect human rights in the same way?

10. Discuss the individual you feel is most representative of a man living to ensure human rights for all.

FOOTNOTES

[1] William G. Carr, "Teaching About Human Rights: A Survey," *Education Panorama*, World Confederation of Organizations of the Teaching Profession, 9 (number 4, 1967) *passim*.

[2] The project materials will soon be commercially available, and information may be secured from Robert C. Angell, Executive Director of the Sociological Resources for the Social Studies, 503 First National Building, Ann Arbor, Michigan 48108.

Human Rights Documents

APPENDIX

1. The Universal Declaration of Human Rights/72
2. The Human Rights Creed in Education/78
3. England's Bill of Rights/79
4. The United States Bill of Rights/80
5. Declaration of the Rights of the Child/82
6. Declaration on the Granting of Independence to Colonial Countries and Peoples/85
7. George Washington's Letter to the Hebrew Congregation in Newport, Rhode Island/88
8. The Emancipation Proclamation/89
9. The Nineteenth Amendment (Women's Suffrage)/91
10. International Covenant on Economic, Social and Cultural Rights/92
11. International Covenant on Civil and Political Rights/103
12. Optional Protocol to the International Covenant on Civil and Political Rights/123

THE UNIVERSAL DECLARATION OF HUMAN RIGHTS

Adopted December 10, 1948 by the United Nations General Assembly

WHEREAS recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

WHEREAS disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

WHEREAS it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

WHEREAS it is essential to promote the development of friendly relations between nations,

WHEREAS the peoples of the United Nations have in their Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

WHEREAS Member States have pledged themselves to achieve, in cooperation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

WHEREAS a common understanding of these rights and freedoms is the greatest importance for the full realization of this pledge,

NOW THEREFORE, THE GENERAL ASSEMBLY

PROCLAIMS this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

Article 1

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 3

Everyone has the right to life, liberty and security of person.

Article 4

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 5

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 6

Everyone has the right to recognition everywhere as a person before the law.

Article 7

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 8

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 9

No one shall be subjected to arbitrary arrest, detention or exile.

Article 10

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 11

(1) Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence. (2) No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

Article 12

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 13

(1) Everyone has the right to freedom of movement and residence within the borders of each state. (2) Everyone has the right to leave any country, including his own, and to return to his country.

Article 14

(1) Everyone has the right to seek and to enjoy in other countries asylum from persecution. (2) This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

Article 15

(1) Everyone has the right to a nationality. (2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

Article 16

(1) Men and women of full age, without any limitation due to race, nationality, or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during mar-

riage and at its dissolution. (2) Marriage shall be entered into only with the free and full consent of the intending spouses. (3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 17

(1) Everyone has the right to own property alone as well as in association with others. (2) No one shall be arbitrarily deprived of his property.

Article 18

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19

Everyone has the right to freedom of opinion and expression, this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20

(1) Everyone has the right to freedom of peaceful assembly and association. (2) No one may be compelled to belong to an association.

Article 21

(1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives. (2) Everyone has the right of equal access to public service in his country. (3) The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Article 22

Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international cooperation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article 23

(1) Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment. (2) Everyone, without any discrimination, has the right to just and favourable remuneration ensuring for himself and his family an existance worthy of human dignity, and supplemented, if necessary, by other means of social protection. (4) Everyone has the right to form and to join trade unions for the protection of his interests.

Article 24

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 25

(1) Everyone has the right to standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing, and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control. (2) Motherhood and childhood are entitled to special care and assistance. All children whether born in or out of wedlock, shall enjoy the same social protection.

Article 26

(1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit. (2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace. (3) Parents have a prior right to choose the kind of education that shall be given to their children.

Article 27

(1) Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits. (2) Everyone has the right to the protection of

the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

Article 28

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

Article 29

(1) Everyone has duties to the community in which alone the free and full development of his personality is possible. (2) In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society. (3) These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

Article 30

Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in an activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

THE HUMAN RIGHTS CREED IN EDUCATION

Phi Delta Kappa Commission on Education and Human Rights and Responsibilities, 1968

As an educator in a democratic society, concerned with the human rights of people everywhere, I will exemplify in my behavior a commitment to these rights. Knowing that educators and the educative process must make a significant contribution toward ensuring these rights for all people, I will translate my belief in basic human rights into daily practice. I believe in the right of every person and in his concomitant responsibility:

1. To equal opportunity in education, housing, employment, the exercise of the franchise, and representation in government.
2. Of due process and equal protection under the law.
3. Of freedom of speech and of the press.
4. To dissent.
5. To freedom of speech and of the press.
6. To privacy.
7. To be different.
8. Of freedom from self-incrimination.
9. To trial by a jury of actual peers.
10. To security of person and property.
11. To petition and redress of grievances.
12. To freedom of assembly.

ENGLAND'S BILL OF RIGHTS

Suspending of laws . . . (by the King's) authority without consent of Parliament is illegal.

Levying money for . . . the use of the Crown . . . without consent of Parliament . . . is illegal.

It is the right of the subjects to petition the king . . . .

Raising or keeping a standing army within the kingdom in time of peace, unless it be with consent of Parliament, is against law.

Election of members of Parliament ought to be free.

The freedom of speech . . . ought not to be . . . questioned in any court or place out of Parliament.

Excessive bail ought not to be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

For the amending, strengthening, and preserving of the laws, Parliament ought to be held frequently.

THE UNITED STATES BILL OF RIGHTS

Article I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Article II

A well regulated militia, being necessary to the security of a free State, the right of the people to keep and bear arms, shall not be infringed.

Article III

No soldier shall, in time of peace be quartered in any house without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

Article IV

The right of the people to be secure in their person, houses, papers, and effects against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Article V

No person shall be held to answer for a capital, or other wise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the militia, when the actual service in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb nor shall be compelled in any criminal case to be witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

Article VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against

him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

Article VII

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any court of the United States, than according to the rules of the common law.

Article VIII

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Article IX

The enumeration in the Constitution, of certain rights shall not be construed to deny or disparage others retained by the people.

Article X

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people.

DECLARATION OF THE RIGHTS OF THE CHILD

Adopted November 20, 1959 by the United Nations General Assembly

Preamble

WHEREAS the peoples of the United Nations have, in the Charter, reaffirmed their faith in fundamental human rights, and in the dignity and worth of the human person, and have determined to promote social progress and better standards of life in larger freedom.

WHEREAS the United Nations has, in the Universal Declaration of Human Rights, proclaimed that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

WHEREAS, the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth,

WHEREAS the need for such special safeguards has been stated in the Geneva Declaration of the Rights of the Child of 1924, and recognized in the Universal Declaration of Human Rights and in the statutes of specialized agencies and international organizations concerned with the welfare of children,

WHEREAS mankind owes to the child the best it has to give,

NOW THEREFORE,

THE GENERAL ASSEMBLY

PROCLAIMS This Declaration of the Rights of the Child to the end that he may have a happy childhood and enjoy for his own good and for the good of society the rights and freedoms herein set forth, and calls upon parents, upon men and women as individuals and upon voluntary organizations, local authorities and national governments to recognize these rights and strive for their observance by legislative and other measures progressively taken in accordance with the following principles:

Principle 1

The child shall enjoy all the rights set forth in this Declaration. All children, without any exception whatsoever, shall be entitled to these rights, without distinction or discrimination on account of race, color, sex, language, religion, political or other opinion, national or social

origin, property, birth or other status, whether of himself or of his family.

Principle 2

The child shall enjoy special protection and shall be given opportunities and facilities, by law and by other means, to enable him to develop physically, mentally, morally, spiritually and socially in a healthy and normal manner and in conditions of freedom and dignity. In the enactment of laws for this purpose the best interests of the child shall be the paramount consideration.

Principle 3

The child shall be entitled from his birth to a name and a nationality.

Principle 4

The child shall enjoy the benefits of social security. He shall be entitled to grow and develop in health; to this end special care and protection shall be provided both to him and to his mother, including adequate pre-natal and postnatal care. The child shall have the right to adequate nutrition, housing, recreation and medical services.

Principle 5

The child who is physically, mentally or socially handicapped shall be given the special treatment, education and care required by his particular condition.

Principle 6

The child, for the full and harmonious development of his personality, needs love and understanding. He shall, wherever possible, grow up in the care and under the responsibility of his parents, and in any case in an atmosphere of affection and of moral and material security; a child of tender years shall not, save in exceptional circumstances, be separated from his mother. Society and the public authorities shall have the duty of extend particular care to children without a family and to those without adequate means of support. Payment of state and other assistance toward the maintenance of children of large families is desirable.

Principle 7

The child is entitled to receive education, which shall be free and compulsory, at least in the elementary stages. He shall be given an education which will promote his general culture, and enable him on a basis

of equal opportunity to develop his abilities, his individual judgment, and his sense of moral and social responsibility, and to become a useful member of society.

The best interests of the child shall be the guiding principle of those responsible for his education and guidance; that responsibility lies in the first place with his parents.

The child shall have full opportunity for play and recreation, which should be directed to the same purposes as education; society and the public authorities shall endeavor to promote the enjoyment of this right.

Principle 8

The child shall in all circumstances be among the first to receive protection and relief.

Principle 9

The child shall be protected against all forms of neglect, cruelty and exploitation. He shall not be the subject of traffic, in any form.

The child shall not be admitted to employment before an appropriate minimum age; he shall in no case be caused or permitted to engage in any occupation or employment which would prejudice his health or education, or interfere with his physical, mental, or moral development.

Principle 10

The child shall be protected from practices which may foster racial, religious and any other form of discriminaton. He shall be brought up in a spirit of understanding, tolerance, friendship among peoples, peace and universal brotherhood and in full consciousness that his energy and talents should be devoted to the service of his fellow men.

DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES

Adopted December 10, 1960 by the United Nations General Assembly

THE GENERAL ASSEMBLY,

MINDFUL of the determination proclaimed by the peoples of the world in the Charter of the United Nations to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small and to promote social progress and better standards of life in larger freedom.

CONSCIOUS of the need for the creation of conditions of stability and well-being and peaceful and friendly relations based on respect for the principles of equal rights and self-determination of all peoples, and of universal respect for, and observance of, human rights, and fundamental freedoms for all without distinction as to race, sex, language or religion,

RECOGNIZING the passionate yearning for freedom in all dependent peoples and the decisive role of such peoples in the attainment of their independence,

AWARE of the increasing conflicts resulting from the denial of or impediments in the way of the freedom of such peoples, which constitute a serious threat to world peace,

CONSIDERING the important role of the United Nations in assisting the movement for independence in trust and non-self-governing territories,

RECOGNIZING that the peoples of the world ardently desire the end of colonalism in all its manifestations,

CONVINCED that the continued existence of colonialism prevents the development of international economic cooperation, impedes the social, cultural and economic development of dependent peoples and militates against the United Nations idea of universal peace,

AFFIRMING that peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic cooperation, based upon the principle of mutual benefit, and international law,

BELIEVING that the process of liberation is irresistible and irreversible and that, in order to avoid serious crises, an end must be put to colonialism and all practices of segregation and discrimination associated therewith,

WELCOMING the emergence in recent years of a large number of dependent territories into freedom and independence, and recognizing the increasingly powerful trends toward freedom in such territories which have not yet attained independence,

CONVINCED that all peoples have an inalienable right to complete freedom, the exercise of their sovereignty and the integrity of their national territory,

SOLEMNLY PROCLAIMS: the necessity of bringing to a speedy and unconditional end colonisalism in all its forms and manifestations;

And to this end

DECLARES that:

1. The subjection of peoples to alien subjugation, domination and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations and is an impediment to the promotion of world peace and cooperation.

2. All peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

3. Inadequacy of political, economic, social or educational preparedness should never serve as a pretext for delaying independence.

4. All armed action or repressive measures of all kinds directed against dependent peoples shall cease in order to enable them to exercise peacefully and freely their right to complete independence, and the integrity of their national territory shall be respected.

5. Immediate steps shall be taken, in trust and non-self-governing territories or all other territories which have not yet attained indepencence, to transfer all powers to the peoples of those territories, without any conditions or reservations, in accordance with their freely expressed will and desire, without any distinction as to race, creed or color, in order to enable them to enjoy complete independence and freedom.

6. Any attempt aimed at the partial or total disruption of the national unity and the territorial integrity of a country is incompatible with the purposes and the principles of the Charter of the United Nations.

7. All states shall observe faithfully and strictly the provisions of the Charter of the United Nations, the Universal Declaration of Human Rights and the present Declaration on the basis of equality, non-interference in the internal affairs of all states and respect for the sovereign rights of all peoples and their territorial integrity.

GEORGE WASHINGTON'S LETTER TO THE HEBREW CONGREGATION IN NEWPORT, RHODE ISLAND

While I receive with much satisfaction, your address replete with expressions of affection and esteem; I rejoice in the opportunity of assuring you, that I shall always retain a grateful remembrance of the cordial welcome I experienced in my visit to Newport, from all classes of Citizens.

The reflection on the days of difficulty and danger which are past is rendered the more sweet, from a consciousness that they are succeeded by days of uncommon prosperity and security. If we have wisdom to make the best use of the advantages with which we are now favored, we cannot fail, under the just administration of a good government, to become a great and a happy people.

The Citizens of the United States of America have a right to applaud themselves for having given to mankind examples of an enlarged and liberal policy: a policy worth of imitation. All possess alike liberty of conscience and immunities of citizenship. It is now no more that toleration is spoken of, as if it was by the indulgence of one class of people, that another enjoyed the exercise of their inherent natural rights. For happily the Government of the United States, which gives to bigotry no sanction, to persecution no assistance, requires only that they who live under its protection, should demean themselves as good citizens, in giving it on all occasions their effectual support.

It would be inconsistent with the frankness of my character not to avow that I am pleased with your favorable opinion of my administration, and fervent wishes for my felicity. May the Children of the Stock of Abraham, who dwell in this land, continue to merit and enjoy the good will of the other Inhabitants; while every one shall sit in safety under his own vine and figtree, and there shall be none to make him afraid. May the father of all mercies scatter light and not darkness in our paths, and make us all in our several vocations useful here, and in his own due time and way everlastingly happy.

George Washington

August 1790

THE EMANCIPATION PROCLAMATION

By the President of the United States of America

A Proclamation

WHEREAS, on the twenty-second day of September, in the year of our Lord one thousand eight hundred and sixty-two, a proclamation was issued by the President of the United States, containing, among other things, the following, to wit:

That on the first day of January, in the year of our Lord one thousand eight hundred and sixty-three, all persons held as slaves within any State or designated part of a State, the people whereof shall then be in rebellion against the United States, shall be then, thenceforward and forever free; and the Executive Government of the United States, including the military and naval authority thereof, will recognize and maintain the freedom of such persons, and will do no act or acts to repress such persons, or any of them, in any efforts they may make for their actual freedom.

That the Executive will, on the first day of January aforesaid, by proclamation, designate the states and parts of States, if any, in which the people thereof respectively shall then be in rebellion against the United States; and the fact that any State, or the people thereof, shall on that day be in good faith represented in the Congress of the United States by members chosen thereto at elections wherein a majority of the qualified voters of such State shall have participated, shall in the absence of strong countervailing testimony be deemed conclusive evidence that such State and the people thereof are not then in rebellion against the United States.

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And I hereby enjoin upon the people so declared to be free to abstain from all violence, unless in necessary self-defense; and I recommend to them that, in all cases where allowed, they labor faithfully for reasonable wages.

And I further declare and make known that such persons of suitable condition will be received into the armed service of the United States to garrison forts, positions, stations, and other places, and to man vessels of all sorts in said service.

And upon this act, sincerely believed to be an act of justice, warranted by the Constitution upon military necessity, I invoke the considerate judgment of mankind and the gracious favor of Almighty God.

In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington, the first day of January, in the year of our Lord one thousand eight hundred and sixty-three, and of the independence of the United States of America the eighty-seventh.

Abraham Lincoln

THE NINETEENTH AMENDMENT
(Women's Suffrage)

Sixty-sixth Congress of the United States of America

AT THE FIRST SESSION

Begun and held at the City of Washington on Monday, the nineteenth day of May, one thousand nine hundred and nineteen.

Joint Resolution

Proposing an amendment to the Constitution extending the right of suffrage to women.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourth of the several states.

Amendment XIX

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of sex.

Congress shall have power to enforce this article by appropriate legislation.

INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Adopted December 16, 1966 by the United Nations General Assembly

THE STATES PARTIES TO THE PRESENT COVENANT

CONSIDERING that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

RECOGNIZING that these rights derive from the inherent dignity of the human person,

RECOGNIZING that, in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his economic, social and cultural rights, as well as his civil and political rights,

CONSIDERING the obligation of States under the Charter of the United Nations to promote universal respect for, and observance of, human rights and freedoms,

REALIZING that the individual, having duties to other individuals and to the community to which he belongs, is under a responsibility to strive for the promotion and observance of the rights recognized in the present Covenant,

AGREE upon the following articles:

Part I

Article 1

1. All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic cooperation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.

3. The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and

Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.

Part II

Article 2

1. Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and cooperation. Especially economic and technical, to the maximum of its available resource, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures.

2. The States Parties to the present Covenant undertake to guarantee the the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

3. Developing countries, with due regard to human rights and their national economy, may determine to what extent they would guarantee the economic rights recognized in the present Covenant to non-nationals.

Article 3

The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the present Covenant.

Article 4

The States Parties to the present Covenant recognize that, in the enjoyment of those rights provided by the State in conformity with the present Covenant, the State may subject such rights only to such limitations as are determined by law only in so far as this may be compatible with the nature of these rights and solely for the purpose of promoting the general welfare in a democratic society.

Article 5

1. Nothing in the present Covenant may be interpreted as implying for any State, group or person any right to engage in an activity or to perform any act aimed at the destruction of any of the rights or freedoms recognized herein, or at their limitation to a greater extent than is provided for in the present Covenant.

2. No restriction upon or derogation from any of the fundamental human rights recognized or existing in any country in virtue of law, conventions, regulations or custom shall be admitted on the pretext that the present Covenant does not recognize such rights or that it recognizes them to a lesser extent.

Part III

Article 6

1. The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right.

2. The steps to be taken by a State Party to the present Covenant to achieve the full realization of this right shall include technical and vocational guidance and training programmes, policies and techniques to achieve steady economic, social, and cultural development and full and productive employment under conditions safeguarding fundamental political and economic freedoms to the individual.

Article 7

The States Parties to the present Covenant recognize the right of everyone to the enjoyment of just and favourable conditions of work which ensure, in particular:

(a) Remuneration which provides all workers, as a minimum, with: (i) Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work;

(ii) A decent living for themselves and their families in accordance with the provision of the present Covenant;

(b) Safe and healthy working conditions;

(c) Equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no considerations other than those of seniority and competence;

(d) Rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays.

Article 8

1. The States Parties to the present Covenant undertake to ensure:

(a) The right of everyone to form trade unions and join the trade union of his choice, subject only to the rules of the organization con-

cerned, for the promotion and protection of his economic and social interests. No restrictions may be placed on the exercise of this right other than those prescribed by law and which are necessary in a democratic society in the interests of national security of public order or for the protection of the rights and freedoms of others;

(b) The right of trade unions to establish national federations or confederations and the right of the latter to form or join international trade-union organizations;

(c) The right of trade unions to function freely subject to no limitations other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others;

(d) The right to strike, provided that it is exercised in conformity with the laws of the particular country.

2. This article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces or of the police or of the administration of the State.

3. Nothing in this article shall authorize States Parties to the International Labour Organisation Convention of 1948 concerning Freedom of Association and Protection of the Right to Organize to take legislative measures which would prejudice, or apply the law in such a manner as would prejudice, the guarantees provided for in that Convention.

Article 9

The States Parties to the present Convenant recognize the right of everyone to social security, including social insurance.

Article 10

The States Parties to the present Convenant recognize that :

1. The widest possible protection and assistance should be accorded to the family, which is the natural and fundamental group units of society particularly for its establishment and while it is responsible for the care and education of dependent children. Marriage must be entered into with free consent of the intending spouses.

2. Special protection should be accorded to mothers during a reasonable period before and after childbirth. During such period working mothers should be accorded paid leave or leave with adequate social security benefits.

3. Special measures of protection and assistance should be taken on behalf of all children and young persons without any discrimination

for reasons of parentage or other conditions. Children and young persons should be protected from economic and social exploitation. Their employment in work harmful to their morals or health or dangerous to life or likely to hamper their normal development should be punishable by law. States should also set age limits below which the paid employment of child labour should be prohibited and punishable by law.

Article 11

1. The States Parties to the present Convenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international cooperation based on free consent.

2. The States Parties to the present Covenant, recognizing the fundamental right of everyone to be free from hunger, shall take, individually and through international cooperation, the measures, including specific programmes, which are needed:

(a) To improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge, by disseminating knowledge of the principles of nutrition and by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources:

(b) Taking into account the problems of both food-importing and food-exporting countries, to ensure an equitable distribution of world food supplies in relation to need.

Article 12

1. The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for:

(a) The provision for the reduction of the stillbirth-rate and of infant mortality and for the healthy development of the child;

(b) The improvement of all aspects of environmental and industrial hygiene;

(c) The prevention, treatment and control of epidemic, endemic, occupational and other diseases;

(d) The creation of conditions which would assure to all medical service and medical attention in the event of sickness.

Article 13

1. The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance, and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.

2. The States Parties to the present Covenant recognize that, with a view of achieving the full realization of this right:

(a) Primary education shall be compulsory and available free to all;

(b) Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education;

(c) Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education;

(d) Fundamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education;

(e) The development of a system of schools at all levels shall be actively pursued, an adequate fellowship system shall be established, and the material conditions of teaching staff shall be continuously improved.

3. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to choose for their children schools, other than those established by the public authorities, which conform to such minimum educational standards as may be laid down or approved by the State and to ensure the

they have adopted and the progress made in achieving the observance of the rights recognized herein.

2. (a) All reports shall be submitted to the Secretary-General of the United Nations, who shall transmit copies to the Economic and Social Council for consideration in accordance with the provisions of the present Covenant.

(b) The Secretary-General of the United Nations shall also transmit to the specialized agencies copies of the reports, or any relevant parts therefrom, from States Parties to the present Covenant which are also members of these specialized agencies in so far as these reports, or parts therefrom, relate to any matters which fall within the responsibilities of the said agencies in accordance with their constitutional instruments.

Article 17

1. The States Parties to the present Covenant shall furnish their reports in stages, in accordance with a programme to be established by the Economic and Social Council within one year of the entry into force of the present Covenant after consultation with the States Parties and the specialized agencies concerned.

2. Reports may indicate factors and difficulties affecting the degree of fulfilment of obligations under the present Covenant.

3. Where relevant information has previously been furnished to the United Nations or to any specialized agency by any State Party to the present Covenant, it will not be necessary to reproduce that information, but a precise reference to the information so furnished will suffice.

Article 18

Pursuant to its responsibilities under the Charter of the United Nations in the field of human rights and fundamental freedoms, the Economic and Social Council may make arrangements with the specialized agencies in respect of their reporting to it on the progress made in achieving the observance of the provisions of the present Covenant falling within the scope of their activities. These reports may include particulars of decisions and recommendations on such implementation adopted by their competent organs.

Article 19

The Economic and Social Council may transmit to the Commission on Human Rights for study and general recommendation or, as appropriate, for information the reports concerning human rights submitted

by States in accordance with articles 16 and 17, and those concerning human rights submitted by the specialized agencies in accordance with article 18.

Article 20

The States Parties to the present Covenant and the specialized agencies concerned may submit comments to the Economic and Social Council on any general recommendation under article 19 or reference to such general recommendation in any report of the commission on Human Rights or any documentation referred to therein.

Article 21

The Economic and Social Council may submit from time to time to the General Assembly reports with recommendations of a general nature and a summary of the information received from the States Parties to the present Covenant and the specialized agencies on the measures taken and the progress made in achieving general observance of the rights recognized in the present Covenant.

Article 22

The Economic and Social Council may bring to the attention of other organs of the United Nations, their subsidiary organs and specialized agencies concerned with furnishing technical assistance any matters arising out of the reports referred to in this part of the present Covenant which may assist such bodies in deciding, each within its field of competence, on the advisability of international measures likely to contribute to the effective progressive implementation of the present Covenant.

Article 23

The States Parties to the present Covenant agree that international action for the achievement of the rights recognized in the present Covenant includes such methods as the conclusion of conventions, the adoption of recommendations, the furnishing of technical assistance and the holding of regional meetings and technical meetings for the purpose of consultation and study organized in conjunction with the Governments concerned.

Article 24

Nothing in the present Covenant shall be interpreted as impairing the provisions of the Charter of the United Nations and of the constitutions of the specialized agencies which define the respective responsibilities of

the various organs of the United Nations and of the specialized agencies in regard to the matters dealt with in the present Covenant.

Article 25

Nothing in the present Convenant shall be interpreted as impairing the inherent right of all peoples to enjoy and utilize fully and freely their natural wealth and resources.

Part V

Article 26

1. The present Covenant is open for signature by any State Member of the United Nations or member of any of its specialized agencies, by any State Party to the Statute of the International Court of Justice, and by any other State which has been invited by the General Assembly of the United Nations to become a party to the present Covenant.

2. The present Covenant is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

3. The present Covenant shall be open to accession by any State referred to in paragraph 1 of this article.

4. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

5. The Secretary-General of the United Nations shall inform all States which have signed the present Covenant or acceded to it of the deposit of each instrument of ratification or accession.

Article 27

1. The present Covenant shall enter into force three months after the date of the deposit with the Secretary-General of the United Nations of the thirty-fifth instrument of ratification or instrument of accession.

2. For each State ratifying the present Covenant or acceding to it after the deposit of the thirty-fifth instrument of ratification or instrument of accession, the present Covenant shall enter into force three months after the date of the deposit of its own instrument of ratification or instrument of accession.

Article 28

The provisions of the present Covenant shall extend to all parts of federal States without any limitations or exeptions.

Article 29

1. Any State Party to the present Covenant may propose an amendment and file it with the Secretary-General of the United Nations. The

Secretary-General shall thereupon communicate any proposed amendments to the States Parties to the present Covenant with a request that they notify him whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that at least one third of the States Parties favours such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of the States Parties present and voting at the conference shall be submitted to the General Assembly of the United Nations for approval.

2. Amendments shall come into force when they have been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of the States Parties to the present Covenant in accordance with their respective constitutional processes.

3. When amendments come into force they shall be binding on those States Parties which have accepted them, other States Parties still being bound by the provision of the present Covenant and any earlier amendment which they have accepted.

Article 30

Irrespective of the notifications made under article 26, paragraph 5, the Secretary-General of the United Nations shall inform all States referred to in paragraph 1 of the same article of the following particulars:

(a) Signatures, ratifications and accessions under article 26;

(b) The date of the entry into force of the present Covenant under article 27 and the date of the entry into force of any amendments under article 29.

Article 31

1. The present Covenant, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.

2. The Secretary-General of the United Nations shall transmit certified copies of the present Covenant to all States referred to in article 26.

INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS

Adopted December 16, 1966 by the United Nations General Assembly

THE STATES PARTIES TO THE PRESENT COVENANT,

CONSIDERING that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

RECOGNIZING that these rights derive from the inherent dignity of the human person,

RECOGNIZING that, in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying civil and political freedom and freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his civil and political rights, as well as his economic, social and cultural rights,

CONSIDERING the obligation of States under the Charter of the United Nations to promote universal respect for, and observance of, human rights and freedoms,

REALIZING that the individual, having duties to other individuals and to the community to which he belongs, is under a responsibility to strive for the promotion and observance of the rights recognized in the present Covenant,

AGREE upon the following articles:

Part I

Article 1

1. All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.

3. The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determi-

nation, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.

Part II

Article 2

1. Each State Party to the present convenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

2. Where not already provided for by existing legislative or other measures, each State Party to the present Covenant undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to adopt such legislative or other measures as may be necessary to give effect to the rights recognized in the present Covenant.

3. Each State Party to the present Covenant undertakes:

(a) To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity;

(b) To ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy;

(c) To ensure that the competent authorities shall enforce such remedies when granted.

Article 3

The States Parties to the present Covenant undertake to ensure these equal right of men and women to the enjoyment of all civil and political rights set forth in the present Covenant.

Article 4

1. In time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed, the States Parties to the present Covenant may take measures derogating from their obligations under the present Covenant to the extent strictly required by the exigencies of the situation, provided that such measures are not incon-

sistent with their other obligations under international law and do not involve discrimination solely on the ground of race, colour, sex, language, religion or social origin.

2. No derogation from articles 6, 7, 8 (paragraphs 1 and 2), 11, 15, 16 and 18 may be made under this provision.

3. Any State Party to the present Covenant availing itself of the right of derogation shall immediately inform the other States Parties to the present Covenant, through the intermediary of the Secretary-General of the United Nations, of the provisions from which it has derogated and of the reasons by which it was actuated. A further communication shall be made, through the same intermediary, on the date on which it terminates such derogation.

Article 5

1. Nothing in the present Covenant may be interpreted as implying for any State, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms recognized herein or at their limitation to a greater extent than is provided for in the present Covenant.

2. There shall be no restriction upon or derogation from any of the fundamental human rights recognized or existing in any State Party to the present Covenant pursuant to law, conventions, regulations or custom on the pretext that the present Covenant does not recognize such rights or that it recognizes them to a lesser extent.

Part III

Article 6

1. Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.

2. In countries which have not abolished the death penalty, sentence of death may be imposed only for the most serious crimes in accordance with the law in force at the time of the commission of the crime and not contrary to the provisions of the present Covenant and to the convention on the Prevention and Punishment of the Crime of Genocide. This penalty can only be carried out pursuant to a final judgement rendered by a competent court.

3. When deprivation of life constitutes the crime of genocide, it is understood that nothing in this article shall authorize any State Party to the present Covenant to derogate in any way from any obligation as-

sumed under the provisions of the Convention on the Prevention and Punishment of the Crime of Genocide.

4. Anyone sentenced to death shall have the right to seek pardon or commutation of the sentence. Amnesty, pardon or commutation of the sentence of death may be granted in all cases.

5. Sentence of death shall not be imposed for crimes committed by persons below eighteen years of age and shall not be carried out on pregnant women.

6. Nothing in this article shall be invoked to delay or to prevent the abolition of capital punishment by any State Party to the present Covenant.

Article 7

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.

Article 8

1. No one shall be held in slavery; slavery and the slave-trade in all their forms shall be prohibited.

2. No one shall be held in servitude.

3. (a) No one shall be required to perform forced or compulsory labour;

(b) Paragraph 3 (a) shall not be held to preclude, in countries where imprisonment with hard labour may be imposed as a punishment for a crime, the performance of hard labour in pursuance of a sentence to such punishment by a competent court;

(c) For the purpose of this paragraph the term "forced or compulsory labor" shall not include:

(i) Any work or service, not referred to in sub-paragraph (b), normally required of a person who is under detention in consequence of a lawful order of a court, or of a person during conditional release from such detention;

(ii) Any service of a military character and, in countries where conscientious objection is recognized, any national service required by law of conscientious objectors;

(iii) Any service exacted in cases of emergency of calamity threatening the life or well-being of the community;

(iv) Any work or service which forms part of normal civil obligations.

Article 9

1. Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.

2. Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him.

3. Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release. It shall not be the general rule that persons awaiting trial shall be detained in custody, but release may be subject to guarantees to appear for trial, at any other stage of the judicial proceedings, and, should occasion arise, for execution of the judgment.

4. Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful.

5. Anyone who has been the victim of unlawful arrest or detention shall have an enforceable right to compensation.

Article 10

1. All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.

2. (a) Accused persons shall, save in exceptional circumstances, be segregated from convicted persons and shall be subject to separate treatment appropriate to their status as unconvicted persons;

(b) Accused juvenile persons shall be separated from adults and brought as speedily as possible for adjudication.

3. The penitentiary system shall comprise treatment of prisoners the essential aim of which shall be their reformation and social rehabilitation. Juvenile offenders shall be segregated from adults and be accorded treatment appropriate to their age and legal status.

Article 11

No one shall be imprisoned merely on the ground of inability to fulfill a contractual obligation.

Article 12

1. Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.

2. Everyone shall be free to leave any country, including his own.

3. The above-mentioned rights shall not be subject to any restrictions except those which are provided by law, are necessary to protect national security, public order (*ordre public*), public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in the present Covenant.

4. No one shall be arbitrarily deprived of the right to enter his own country.

Article 13

An alien lawfully in the territory of a State Party to the present Covenant may be expelled therefrom only in pursuance of a decision reached in accordance with law and shall, except where compelling reasons of national security otherwise require, be allowed to submit the reasons against his expulsion and to have his case reviewed by, and be represented for the purpose before, the competent authority or a person or persons especially designated by the competent authority.

Article 14

1. All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law. The Press and the public may be excluded from all or part of a trial for reasons of morals, public order (*ordre public*) or national security in a democratic society, or when the interest of the private lives of the parties so requires, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice; but any judgement rendered in a criminal case or in a suit at law shall be made public except where the interest of juvenile persons otherwise requires or the proceedings concern matrimonial disputes of the guardianship of children.

2. Everyone charged with a criminal offence shall have the right to be presumed innocent until provided guilty according to law.

3. In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality:

(a) To be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him;

(b) To have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing;

(c) To be tried without undue delay;

(d) To be tried in his presence, and to defend himself in person or through legal assistance of his own choosing; to be informed, if he does not have legal assistance, of this right; and to have legal assistance assigned to him, in any case where the interests of justice so require, and without payment by him in any such case if he does not have sufficient means to pay for it.

(e) To examine, or have examined, the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;

(f) To have the free assistance of an interpreter if he cannot understand or speak the language used in court;

(g) Not to be compelled to testify against himself or to confess guilt.

4. In the case of juvenile persons, the procedure shall be such as will take account of their age and the desirability of promoting their rehabilitation.

5. Everyone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal according to law.

6. When a person has by a final decision been convicted of a criminal offence and when subsequently his conviction has been reversed or he has been pardoned on the ground that a new or newly discovered fact shows conclusively that there has been a miscarriage of justice, the person who has suffered punishment as a result of such conviction shall be compensated according to law, unless it is proved that the non-disclosure of the unknown fact in time is wholly or partly attributable to him.

7. No one shall be liable to be tried or punished again for an offence for which he has already been finally convicted or acquitted in accordance with the law and penal procedure of each country.

Article 15

1. No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence, under national or international law, at the time when it was committed. Nor

shall a heavier penalty be imposed than the one that was applicable at the time when the criminal offence was committed. If, subsequent to the commission of the offence, provision is made by law for the imposition of a lighter penalty, the offender shall benefit thereby.

2. Nothing in this article shall prejudice the trial and punishment of any person for any act or omission which, at the time when it was committed, was criminal according to the general principles of law recognized by the community of nations.

Article 16

Everyone shall have the right to recognition everywhere as a person before the law.

Article 17

1. No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation.

2. Everyone has the right to the protection of the law against such interference or attacks.

Article 18

1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief in his choice.

3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.

4. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.

Article 19

1. Everyone shall have the right to hold opinions without interference.

2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefor be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:

(a) For respect of the rights or reputations of others;

(b) For the protection of national security or of public order (*ordre public*), or of public health or morals.

Article 20

1. Any propaganda for war shall be prohibited by law.

2. Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.

Article 21

The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others.

Article 22

1. Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests.

2. No restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others. This article shall not prevent the imposition of lawful restrictions on members of the armed forces and of the police in their exercise of this right.

3. Nothing in this article shall authorize States Parties to the International Labour Organisation Convention of 1948 concerning Freedom of Association and Protection of the Right to Organize to take legislative

measures which would prejudice, or to apply the law in such a manner as to prejudice, the guarantees provided for in that Convention.

Article 23

1. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

2. The right of men and women of marriageable age to marry and to found a family shall be recognized.

3. No marriage shall be entered into without the free and full consent of the intending spouses.

4. States Parties to the present Covenant shall take appropriate steps to ensure equality of rights and responsibilities of spouses as to marriage, during marriage and at its dissolution. In the case of dissolution, provision shall be made for the necessary protection of any children.

Article 24

1. Every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State.

2. Every child shall be registered immediately after birth and shall have a name.

3. Every child has the right to acquire a nationality.

Article 25

Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions:

(a) To take part in the conduct of public affairs, directly or through freely chosen representatives;

(b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;

(c) To have access, on general terms of equality, to public service in his country.

Article 26

All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal

and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Article 27

In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.

Part IV

Article 28

1. There shall be established a Human Rights Committee (hereafter referred to in the present Covenant as the Committee). It shall consist of eighteen members and shall carry out the functions hereinafter provided.

2. The Committee shall be composed of nationals of the States Parties to the present Covenant who shall be persons of high moral character and recognized competence in the field of human rights, consideration being given to the usefulness of the participation of some persons having legal experience.

3. The members of the Committee shall be elected and shall serve in their personal capacity.

Article 29

1. The members of the Committee shall be elected by secret ballot from a list of persons possessing the qualifications prescribed in article 28 and nominated for the purpose by the States Parties to the present Covenant.

2. Each State Party to the present Covenant may nominate not more than two persons. These persons shall be nationals of the nominating State.

3. A person shall be eligible for renomination.

Article 30

1. The initial election shall be held no later than six months after the date of the entry into force of the present Covenant.

2. At least four months before the date of each election to the Committee, other than an election to fill a vacancy declared in accordance with article 34, the Secretary-General of the United Nations shall address

a written invitation to the States Parties to the present Covenant to submit their nominations for membership of the Committee within three months.

3. The Secretary-General of the United Nations shall prepare a list in alphabetical order of all the persons thus nominated, with an indication of the States Parties which have nominated them, and shall submit it to the States Parties to the present Covenant no later than one month before the date of each election.

4. Elections of the members of the Committee shall be held at a meeting of the States Parties to the present Covenant convened by the Secretary-General of the United Nations at the Headquarters of the United Nations. At that meeting, for which two thirds of the States Parties to the present Covenant shall constitute a quorum, the persons elected to the Committee shall be those nominees who obtain the largest number of votes and an absolute majority of the votes of the representatives of State Parties present and voting.

Article 31

1. The Committee may not include more than one national of the same State.

2. In the election of the Committee, consideration shall be given to equitable geographical distribution of membership and to the representation of the different forms of civilization and of the principal legal systems.

Article 32

1. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election if renominated. However, the terms of nine of the members elected at the first election shall expire at the end of two years; immediately after the first election, the names of these nine members shall be chosen by lot by the Chairman of the meeting referred to in article 30, paragraph 4.

2. Elections at the expiry of office shall be held in accordance with the preceding articles of this part of the present Covenant.

Article 33

1. If, in the unanimous opinion of the other members, a member of the Committee has ceased to carry out his functions of any cause other than absence of a temporary character, the Chairman of the Committee shall notify the Secretary-General of the United Nations, who shall then declare the seat of the member to be vacant.

2. In the event of the death or the resignation of a member of the Committee, the Chairman shall immediately notify the Secretary-General of the United Nations, who shall declare the seat vacant from the date of death or the date on which the resignation takes effect.

Article 34

1. When a vacancy is declared in accordance with article 33 and if the term of office of the member to be replaced does not expire within six months of the declaration of the vacancy, the Secretary-General of the United Nations shall notify each of the States Parties to the present Covenant, which may within two months submit nominations in accordance with article 29 for the purpose of filling the vacancy.

2. The Secretary-General of the United Nations shall prepare a list in alphabetical order of the persons thus nominated and shall submit it to the States Parties to the present Covenant. The election to fill the vacancy shall then take place in accordance with the relevant provisions of this part of the present Covenant.

3. A member of the Committee elected to fill a vacancy declared in accordance with article 33 shall hold office for the remainder of the term of the member who vacated the seat on the Committee under the provisions of that article.

Article 35

The members of the Committee shall, with the approval of the General Assembly of the United Nations, received emoluments from United Nations resources on such terms and conditions as the General Assembly may decide, having regard to the importance of the Committee's responsibilities.

Article 36

The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Covenant.

Article 37

1. The Secretary-General of the United Nations shall convene the initial meeting of the Committee at the Headquarters of the United Nations.

2. After its initial meeting, the Committee shall meet at such times as shall be provided in its rules of procedure.

3. The Committee shall normally meet at the Headquarters of the United Nations or at the United Nations Office at Geneva.

Article 38

Every member of the Committee shall, before taking up his duties, make a solemn declaration in open committee that he will perform his functions impartially and conscientiously.

Article 39

1. The Committee shall elect its officers for a term of two years. They may be re-elected.

2. The Committee shall establish its own rules of procedure, but these rules shall provide, *inter alia*, that:

(a) Twelve members shall constitute a quorum;

(b) Decisions of the Committee shall be made by a majority vote of the members present.

Article 40

1. The States Parties to the present Covenant undertake to submit reports on the measures they have adopted which give effect to the rights recognized herein and on the progress made in the enjoyment of those rights:

(a) Within one year of the entry into force of the present Covenant for the States Parties concerned;

(b) Thereafter whenever the Committee so requests.

2. All reports shall be submitted to the Secretary-General of the United Nations, who shall transmit them to the Committee for consideration. Reports shall indicate the factors and difficulties, if any, affecting the implementation of the present Covenant.

3. The Secretary-General of the United Nations may, after consultation with the Committee, transmit to the specialized agencies concerned copies of such parts of the reports as may fall within their field of competence.

4. The Committee shall study the reports submitted by the States Parties to the present Covenant. It shall transmit its reports, and such general comments as it may consider appropriate, to the States Parties. The Committee may also transmit to the Economic and Social Council these comments along with the copies of the reports it has received from States Parties to the present Covenant.

5. The States Parties to the present Covenant may submit to the Committee observations on any comments that may be made in accordance with paragraph 4 of this article.

Article 41

1. A State Party to the present Covenant may at any time declare under this article that it recognizes the competence of the Committee to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under the present Covenant. Communications under this article may be received and considered only if submitted by a State Party which has made a declaration recognizing in regard to itself the competence of the Committee. No communication shall be received by the Committee if it concerns a State Party which has not made such a declaration. Communications received under this article shall be dealt with in accordance with the following procedure:

(a) If a State Party to the present Covenant considers that another State Party is not giving effect to the provisions of the present Covenant, it may, by written communication, bring the matter to the attention of that State Party. Within three months after the receipt of the communication, the receiving State shall afford the State which sent the communication an explanation or any other statement in writing clarifying the matter, which should include, to the extent possible and pertinent, reference to domestic procedures and remedies taken, pending, or available in the matter.

(b) If the matter is not adjusted to the satisfaction of both States Parties concerned within six months after the receipt by the receiving State of the initial communication, either State shall have the right to refer the matter to the Committee, by notice given to the Committee and to the other State.

(c) The Committee shall deal with a matter referred to it only after it has ascertained that all available domestic remedies have been invoked and exhausted in the matter, in conformity with the generally recognized principles of international law. This shall not be the rule where the application of the remedies is unreasonably prolonged.

(d) The Committee shall hold closed meetings when examining communications under this article.

(e) Subject to the provisions of sub-paragraph (c), the Committee shall make available its good offices to the States Parties concerned

with a view to a friendly solution of the matter on the basis of respect for human rights and fundamental freedoms as recognized in the present Covenant.

(f) In any matter referred to it, the Committee may call upon the States Parties concerned, referred to in sub-paragraph (b), to supply any relevant information.

(g) The States Parties concerned, referred to in sub-paragraph (b), shall have the right to be represented when the matter is being considered in the committee and to make submissions orally and/or in writing.

(h) The Committee shall, within twelve months after the date of receipt of notice under sub-paragraph (b), submit a report:

(i) If a solution within the terms of sub-paragraph (e) is reached, the Committee shall confine its report to a brief statement of the facts and of the solution reached;

(ii) If a solution within the terms of sub-paragraph (e) is not reached, the Committee shall confine its report to a brief statement of the facts; the written submissions and record of the oral submissions made by the States Parties concerned shall be attached to the report.

In every matter, the report shall be communicated to the States Parties concerned.

2. The provisions of this article shall come into force when ten States Parties to the present Covenant have made declarations under paragraph 1 of this article. Such declarations shall be deposited by the States Parties with the Secretary-General of the United Nations, who shall transmit copies thereof to the other States Parties. A declaration may be withdrawn at any time by notification to the Secretary-General. Such a withdrawal shall not prejudice the consideration of any matter which is the subject of a communication already transmitted under this article; no further communication by any State Party shall be received after the notification of withdrawal of the declaration has been received by the Secretary-General, unless the State Party concerned had made a new declaration.

Article 42

1. (a) If a matter referred to the Committee in accordance with article 41 is not resolved to the satisfaction of the States Parties concerned, the Committee may, with the prior consent of the States Parties concerned, appoint an *ad hoc* Conciliation Commission (herein-

after referred to as the Commission). The good offices of the Commission shall be made available to the States Parties concerned with a view to an amicable solution of the matter of the basis of respect for the present Covenant;

(b) The Commission shall consist of five persons acceptable to the States Parties concerned. If the States Parties concerned fail to reach agreement within three months on all or part of the composition of the Commission, the members of the Commission concerning whom no agreement has been reached shall be elected by secret ballot by a two-thirds majority vote of the Committee from among its members.

2. The members of the Commission shall serve in their personal capacity. They shall not be nationals of the States Parties concerned, or of a State not party to the present Covenant, or of a State Party which has not made a declaration under article 41.

3. The Commission shall elect its own Chairman and adopt its own rules of procedure.

4. The meetings of the Commission shall normally be held at the Headquarters of the United Nations or at the United Nations Office at Geneva. However, they may be held at such other convenient places as the Commission may determine in consultation with the Secretary-General of the United Nations and the States Parties concerned.

5. The secretariat provided in accordance with article 36 shall also service the commissions appointed under this article.

6. The information received and collated by the Committee shall be made available to the Commission and the Commission may call upon the States Parties concerned to supply any other relevant information.

7. When the Commission has fully considered the matter, but in any event not later than twelve months after having been seized of the matter, it shall submit to the Chairman of the Committee a report for communication to the States Parties concerned:

(a) If the Commission is unable to complete its consideration of the matter within twelve months, it shall confine its report to a brief statement of the status of its consideration of the matter;

(b) If an amicable solution to the matter on the basis of respect for human rights as recognized in the present Covenant is reached, the Commission shall confine its report to a brief statement of the facts and of the solution reached;

(c) If a solution within the terms of sub-paragraph (b) is not reached, the Commission's report shall embody its findings on all questions of fact relevant to the issues between the States Parties concerned, and its views on the possibilities of an amicable solution of the matter. This report shall also contain the written submissions and a record of the oral submissions made by the States Parties concerned;

(d) If the Commission's report is submitted under sub-paragraph (c), the States Parties concerned shall, within three months of the receipt of the report, notify the Chairman of the Committee whether or not they accept the contents of the report of the Commission.

8. The provisions of this article are without prejudice to the responsibilities of the Committee under article 41.

9. The States Parties concerned shall share equally all the expenses of the members of the Commission in accordance with estimates to be provided by the Secretary-General of the United Nations.

10. The Secretary-General of the United Nations shall be empowered to pay the expenses of the members of the Commission, if necessary, before reimbursement by the States Parties concerned, in accordance with paragraph 9 of this article.

Article 43

The members of the Committee, and of the *ad hoc* conciliation commissions which may be appointed under article 42, shall be entitled to the facilities, privileges and immunities of experts on mission for the United Nations as laid down in the relevant sections of the Convention on the Privileges and Immunities of the United Nations.

Article 44

The provisions for the implementation of the present Covenant shall apply without prejudice to the procedures prescribed in the field of human rights by or under the constituent instruments and the conventions of the United Nations and of the specialized agencies and shall not prevent the States Parties to the present Covenant from having recourse to other procedures for settling a dispute in accordance with general or special international agreements in force between them.

Article 45

The Committee shall submit to the General Assembly of the United Nations, through the Economic and Social Council, an annual report on its activities.

Part V

Article 46

Nothing in the present Covenant shall be interpreted as impairing the provisions of the Charter of the United Nations and of the constitutions of the specialized agencies which define the respective responsibilities of the various organs of the United Nations and of the specialized agencies in regard to the matters dealt with in regard to the matters dealt with in the present Covenant.

Article 47

Nothing in the present Covenant shall be interpreted as impairing the inherent right of all peoples to enjoy and utilize fully and freely their natural wealth and resources.

Part VI

Article 48

1. The present Covenant is open for signature by any State Member of the United Nations or member of any of its specialized agencies, by any State Party to the Statute of the International Court of Justice, and by any other State which has been invited by the General Assembly of the United Nations to become a party to the present Covenant.

2. The present Covenant is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

3. The present Covenant shall be open to accession by any State referred to in paragraph 1 of this article.

4. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

5. The Secretary-General of the United Nations shall inform all States which have signed this Covenant or acceded to it of the deposit of each instrument of ratification or accession.

Article 49

1. The present Covenant shall enter into force three months after the date of the deposit with the Secretary-General of the United Nations of the thirty-fifth instrument of ratification or instrument of accession.

2. For each State ratifying the present Covenant or acceding to it after the deposit of the thirty-fifth instrument of ratification or instrument of accession, the present Covenant shall enter into force three

months after the date of the deposit of its own instrument of ratification or instrument of accession.

Article 50

1. Any State Party to the present Covenant may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General of the United Nations shall thereupon communicate any proposed amendments to the States Parties to the present Covenant with a request that they notify him whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that at least one third of the States Parties favours such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of the States Parties present and voting at the conference shall be submitted to the General Assembly of the United Nations for approval.

2. Amendments shall come into force when they have been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of the States Parties to the present Covenant in accordance with their respective constitutional processes.

3. When amendments come into force, they shall be binding on those States Parties which have accepted them, other States Parties still being bound by the provisions of the present Covenant and any earlier amendment which they have accepted.

Article 52

Irrespective of the notifications made under article 48, paragraph 5, the Secretary-General of the United Nations shall inform all States referred to in paragraph 1 of the same article of the following particulars:

(a) Signatures, ratifications and accessions under article 48;

(b) The date of the entry into force of the present Covenant under article 49 and the date of the entry into force of any amendments under article 51.

Article 53

1. The present Covenant, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.

2. The Secretary-General of the United Nations shall transmit certified copies of the present Covenant to all States referred to in article 48.

OPTIONAL PROTOCOL TO THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS

THE STATES PARTIES TO THE PRESENT PROTOCOL,

CONSIDERING that in order further to achieve the purposes of the Covenant on Civil and Political Rights (hereinafter referred to as the Covenant) and the implementation of its provisions it would be appropriate to enable the Human Rights Committee set up in part IV of the Covenant (hereinafter referred to as the Committee) to receive and consider, as provided in the present Protocol, communications from individuals claiming to be victims of violations of any of the rights set forth in the Covenant,

HAVE AGREED as follows:

Article 1

A State Party to the Covenant that becomes a party to the present Protocol recognizes the competence of the Committee to receive and consider communications from individuals subject to its jurisdiction who claim to be victims of a violation by that State Party of any of the rights set forth in the Covenant. No communication shall be received by the Committee if it concerns a State Party to the Covenant which is not a party to the present Protocol.

Article 2

Subject to the provisions of article 1, individuals who claim that any of their rights enumerated in the Covenant have been violated and who have exhausted all available domestic remedies may submit a written communication to the Committee for consideration.

Article 3

The Committee shall consider inadmissible any communication under the present Protocol which is anonymous, or which it considers to be an abuse of the rights of submission of such communications or to be incompatible with the provisions of the Covenant.

Article 4

1. Subject to the provisions of article 3, the Committee shall bring any communications submitted to it under the present Protocol to the attention of the State Party to the present Protocol alleged to be violating any provisions of the Covenant.

2. Within six months, the receiving State shall submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, that may have been taken by that State.

Article 5

1. The Committee shall consider communications received under the present Protocol in the light of all written information made available to it by the individual and by the State Party concerned.

2. The Committee shall not consider any communication from an individual unless it has ascertained that:

(a) The same matter is not being examined under another procedure of international investigation or settlement;

(b) The individual has exhausted all available domestic remedies. This shall not be the rule where the application of the remedies is unreasonably prolonged.

3. The Committee shall hold closed meetings when examining communications under the present Protocol.

4. The Committee shall forward its views to the State Party concerned and to the individual.

Article 6

The Committee shall include in its annual report under article 45 of the Covenant a summary of its activities under the present Protocol.

Article 7

Pending the achievement of the objectives of resolution 1514 (XV) adopted by the General Assembly of the United Nations on 14 December 1960 concerning the Declaration on the Granting of Independence to Colonial Countries and Peoples, the provisions of the present Protocol shall in no way limit the right of petition granted to these peoples by the Charter of the United Nations and other international conventions and instruments under the United Nations and its specialized agencies.

Article 8

1. The present Protocol is open for signature by any State which has signed the Covenant.

2. The present Protocol is subject to ratification by any State which has ratified or acceded to the Covenant. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

3. The present Protocol shall be open to accession by any State which has ratified or acceded to the Covenant.

4. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

5. The Secretary-General of the United Nations shall inform all States which have signed the present Protocol or acceded to it of the deposit of each instrument of ratification or accession.

Article 9

1. Subject to the entry into force of the Covenant, the present Protocol shall enter into force three months after the date of the deposit with the Secretary-General of the United Nations of the tenth instrument of ratification or instrument of accession.

2. For each State ratifying the present Protocol or acceding to it after the deposit of the tenth instrument of ratification or instrument of accession, the present Protocol shall enter into force three months after the date of the deposit of its own instrument of ratification or instrument of accession.

Article 10

The provisions of the present Protocol shall extend to all parts of federal States without any limitations or exceptions.

Article 11

1. Any State Party to the present Protocol may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon Communicate any proposed amendments to the States Parties to the present Protocol with a request that they notify him whether they favour a conference of States Parties for the purpose of considering and voting upon the proposal. In the event that at least one third of the States Parties favours such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of the States Parties present and voting at the conference shall be submitted to the General Assembly of the United Nations for approval.

2. Amendments shall come into force when they have been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of the States Parties to the present Protocol in accordance with their respective constitutional processes.

3. When amendments come into force, they shall be binding on those States Parties which have accepted them, other States Parties still being bound by the provisions of the present Protocol and any earlier amendment which they have accepted.

Article 12

1. Any State Party may denounce the present Protocol at any time by written notification addressed to the Secretary-General of the United Nations. Denunciation shall take effect three months after the date of receipt of the notification by the Secretary-General.

2. Denunciation shall be without prejudice to the continued application of the provisions of the present Protocol to any communication submitted under article 2 before the effective date of denunciation.

Article 13

Irrespective of the notifications made under article 8, paragraph 5, of the present Protocol, the Secretary-General of the United Nations shall inform all States referred to in article 48, paragraph 1, of the Covenant of the following particulars:

(a) Signatures, ratifications and accessions under article 8;

(b) The date of the entry into force of the present Protocol under article 9 and the date of the entry into force of any amendments under article 11;

(c) Denunciations under article 12.

Article 14

1. The present Protocol, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.

2. The Secretary-General of the United Nations shall transmit certified copies of the present Protocol to all States referred to in article 48 of the Covenant.

Selected Human Rights Bibliography

A. BOOKS

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This text is designed for a short course on the Declaration of Independence, the Constitution and the Bill of Rights. The 26 lessons begin with a review of the history behind the writing of the Declaration of Independence and the Constitution and then go on to analyze the contents of the Constitution and the Bill of Rights. Each lesson has pictures, diagrams, and review work at the end of each lesson. A teacher's guide is provided with this junior or senior high level material.

2. Agee, James, and Evans, Walker, *Let Us Now Praise Famous Men*, Ballantine Books, Inc., New York, 1966, 428 pp. Originally Published by Houghton Mifflin Co., 1939.

An unusual presentation of the experiences and observations of two men who spent six weeks during 1936 living with three tenant farmers in Alabama. Sixty-one pictures of tenant farmer life during this period precede the written description. Work, shelter, clothing, and education of these families are covered in detail.

3. Alderman, Clifford Lindsey, *That Men Shall be Free*, Julian Messner, New York, 1964, 189 pp.

That Men Shall Be Free is the story of Magna Carta. Events preceding and following Magna Carta are also presented in easily read style. This book can easily be read by high school level students.

4. Baruch, Dorothy W., *Glass House of Prejudice*, William Morrow and Company, New York, 1964, 205 pp.

This book describes the results and causes of prejudice toward minority groups in the United States as well as the effects of prejudice on the people toward whom it is felt and on the people who feel it. The material in the book (which contains many true incidents) is divided into three parts—effects of prejudices, causes of prejudice and cures of prejudice. The book is interesting reading and can easily be read by high school students.

5. Carr, Harriett H., *Young Viking of Brooklyn*, Viking Press, New York, 1961

A warm description of the close-knit Norwegian-American community's efforts to combine the best of the old culture and the new, as seen through the story of an orphan, Eric. Style is suitable for nine- to eleven-year-age groups.

6. Cobb, Alice, *The Swimming Pool*, Friendship Press, New York, 1957, 127 pp.

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Supreme Court Justice Douglas presents in this book his thoughts concerning the function of law in society. The four chapters in the book are "The Individual and the State," "Executive vs. Legislative vs. Judicial," "Federalism and a "Rule of Law," "United Nations and a Rule of Law".

8. EICHELBERGER, CLARK (ed.), *The United Nations and Human Rights; The Eighteenth Annual Report of the Commission to Study the Organizations of Peace*, Oceana Publications, Dobbs Ferry, New York, 1968, 244 pp. (tent.).

This report is the Commission's contribution to the observance of the 20th anniversary of the Universal Declaration of Human Rights. The first part is a 46 page summary report which represents the views of such scholars as Vera Michels Dean, Norman Cousins and Walter Reuther. The second part, much larger, was prepared by Louis B. Sohn, Bemis Professor of Law at Harvard University.

9. FAULK, JOHN HENRY, *Fear On Trial*, Simon and Schuster, New York, 1944, 398 pp.

The story of John Henry Faulk's six-year battle to clear his name which had been marred by a blacklisting organization called Aware, Inc. Aware, Inc. had labeled Faulk as not being a loyal American. His career in the entertainment industry was ruined, but despite hardships he brought suit against Aware, Inc. and won $3,500,000 in damages.

10. FEIFER, GEORGE, *Justice in Moscow*, Simon and Schuster, New York, 1964.

Mr. Feifer spent a year watching and listening to the courts of Moscow. He has set down what he saw, exactly as he saw it: the workings of the law—both as dramatised in actual trials and as interpreted in conversations with Russian judges, prosecutors, and defense lawyers. His portrait of the people and the law of Soviet Russia is a deeply revealing one—revealing about Russia, certainly, also about ourselves, as we measure our own version of Anglo-Saxon justice against the justice that is practiced today in Moscow.

11. FELT, SUE, *Rosa-Too-Little*, Doubleday & Co., New York, 1950.

Captures the flavor of New York neighborhood life for a child of Italian-American parentage. Book is good for early readers (5-8).

12. *A Fair World for All*, Whittlesey House, Division of McGraw-Hill Book Co., New York, 1952.

This book for young people, or for people of any age, presents the Universal Declaration of Human Rights text with interpretation of each article "in everyday language." Each chapter explains one article of the

Declaration by describing what the right means to people and also the ways in which people suffer when deprived of the right. The pictures by Jeanne Bendick assist in clarification of ideas and add interest. The foreword is by Eleanor Roosevelt.

13. *For All Humanity*, The American Jewish Committee Institute of Human Relations, New York, or United Nations Association of The United States of America, New York, 1966, 52 pp.

This is a report of the Committee on Human Rights of the National Citizens Commission on International Cooperation. It was prepared for discussion at the 1965 White House Conference on International Cooperation. The report contends that the United States has progressed in its struggle for human equality and dignity to the point of being capable of providing the leadership necessary in building a greater society of mankind directed to similar goals. Several documents concerning human rights are presented in this high school level material.

14. *For Peace and the Dignity of Man*, 1964, UN and UNESCO. 116 pp.

Study Guide on Human Rights for teachers. Includes discussion suggestions and bibliography. Price: $1.50; offprint 50¢—Unesco Publications Center, 317 East 34th Street, New York, New York 10016.

15. Friedman, Frieda, *Ellen and the Gang*, William Morrow & Co., New York, 1963.

A large city housing project is the setting for this story about a teenage girl who cannot understand her mother's disapproval of her new friends who come from different groups.

16. Goddard, Alice L. *David, my Jewish Friend*, Friendship Press, New York.

Margaret, a Christian of seven, learns about the Jewish faith from her young friend, David, and at the same time acquires a fuller understanding of her own which has its roots in Judaism. Margaret discovers that David worships the same god, though in different ways. A fine vehicle for young children needing religious encounters.

17. *Human Rights—the Dignity of Man*, Oceana Publications, Inc., Dobbs Ferry, New York, 1963.

This book is a study guide for use in analysis of human rights and the Declaration of Human Rights. After a discussion of the meaning of

human rights, the specific provisions relating to human rights within the Universal Declaration are analyzed including freedom of the individual; civil and political rights; economic, social, and cultural rights; and a discussion of what yet needs to be done to implement the Declaration. Thoughtful discussion, suggestions, and questions follow each chapter.

18. *Human Rights . . . unfolding of the American Tradition*, The President's Commission for the Observance of Human Rights Year 1968, U.S. Department of State, U. S. Government Printing Office, 1968, 130 pages, $1.00.

A selection of documents and statements that have "set human beings free over the centuries." Begins with classical speeches by Pericles, Plato, Aristotle, and Cicero; then continues with European documents such as Magna Carta, and goes on to American documents of freedom and famous speeches.

19. Jackson, Jesse, *Room for Randy*, Friendship Press, New York, 1957, 136 pp.

The story takes place in a small New Jersey town which is rapidly changing. A Negro boy and his red-haired pal are faced with some problems when some toughs from a nearby town are moved into their junior high school. Below high school level material.

20. Keats, Ezra Jack, and Cherr, Pat, *My Dog Is Lost*, Thomas Y. Crowell Co., New York, 1960.

Juanito, a Puerto Rican boy, helped by a Chinese-American brother and sister, an Italian-American boy, Negro brothers, and other children searches for a lost dog through various sections of New York City.

21. Kenworthy, Leonard S. *Telling the U. N. Story*, UNESCO Publications Center, 317 East 34th Street, New York, New York 10016, 1963, 165 pp. $2.00.

New approaches to teaching about the United Nations and its related agencies, this valuable guide provides a wide range of practical classroom teaching suggestions for teaching about the United Nations family at the elementary through the secondary school levels, as well as for out-of-school programs for young people, adults, or the community as a whole.

22. Konvitz, Milton R., *Expanding Liberties*, The Viking Press, Inc., New York, 1966, 527 pp.

The author traces the expansion of old liberties, and the evolution of new ones in the quarter-century since World War II. The major divisions of the book are "First Amendment Freedoms," "Civil Rights," and "Human Rights." Events and court cases of importance are discussed as the areas of religious liberty, freedom of association, academic freedom, censorship, etc. are analyzed.

23. Lewiton, Mina, *Candita's Choice*, Harper, New York, 1959.

A young girl from Puerto Rico needs help and understanding to adjust to life in New York City.

24. Lord, Walter, *The Past That Would Not Die*, Harper and Row, New York, 1965, (Paper, Paper Books, New York), 246 pp.

The story of James Meredith entering the University of Mississippi. The background to this event is discussed as well as the bitterness and rioting which accompanied Meredith's entry to the University. This book can be easily read by high school level students.

25. Oliver, Donald W., and Newmann, Fred M., Public Issues Series, Adapted from the Harvard Social Studies Project. American Education Publications, Columbus, Ohio, 1963-1968.

The Public Issues Series contains a number of booklets which sell for 25¢ each and are designed to help students understand and discuss persistent conflicts tied to historical and contemporary events. Each book consists of fascinating case units—dramatic stories of people who experienced an event and were affected by it. The student is drawn into the event—almost becoming a part of it—as he reads these vivid stories which are taken from the newspaper accounts, fiction, original writings, autobiographies, and other sources. These books also contain contemporary cases for modern parallels that illustrate how important social issues in history persist to this day. A teaching guide is also available to accompany the books. Some of the booklets include the following:

A. *The American Revolution*

How is Governmental Authority Established? To What Extent May the People Rightfully Challenge That Authority? These questions were the major issues of the American Revolution, as they are yet today. Through

dramatic case units, students deal with these questions as they are asked on the green at Lexington and at Selma, Alabama, in 1965.

B. *Taking a Stand*
This booklet is intended to develop good discussion practices and techniques that will help students to be effective in using other Public Issues books and dealing with all public issues. *Taking a Stand* features two interesting cases for discussion. One is the "Mutiny Act," the story of an innocent seaman who is hanged; the other is the story of John Brown's attempt to free the slaves. Specific examples show students how to bring direction and purpose to their discussions; to develop sensitivity to what others are saying, to identify issues and state them clearly, and to pursue issues systematically. They learn about weaknesses in class discussions and how to remedy them.

C. *Negro View of America*
This booklet contains three case units which give students a broad view of American Negro history and problems of pre-Civil War days to the present. Statistical data on the education, employment, income, and housing of contemporary Negroes is presented. Through analysis of the cases presented and the factual data, students form their own evaluations of the factors that contribute to the social conditions of American Negroes.

D. *Religious Freedom*
Through this booklet's cases and exercises, students probe two basic issues. (1) To what extent can there be a wall between religious practices and the affairs of government? (2) Within what limits should religious freedom be allowed, especially when it conflicts with the forms of society or national allegiance?

E. *Rights of the Accused*
This book deals with issues related to procedure and public security. It examines, through case studies, the due process of law as it pertains to the security of citizens and to the rights of the criminally accused.

F. *Community Change*
This booklet deals with law, politics, and social attitudes. The case studies reveal the events that occur when a community is faced with conflicts in its social code.

26. Pearson, Craig, and Cutler, Charles (editors), *Liberty Under Law*, American Education Publications, Columbus, Ohio, 1963, 25 segments, affecting real people in actual court cases.

Guiding questions help the student evaluate and judge each case. The student then reads the actual court decision and compares it with his own. He thus gains insight into our freedoms as interpreted within the framework of democratic principles. This booklet would be useful for junior high school and senior high school students as well as adult discussion groups.

27. Peterson, Edward and Barbara, *The Case of the Door Openers vs. the Fence Builders*, Friendship Press, New York, 1967.

Placed in a courtroom setting, the role of Christians in everyday living is analyzed as related to the implementation of the Universal Declaration of Human Rights and the Declaration of Children's Rights. Problems such as housing, race, employment, social responsibility, prejudice, and other problems facing "Mr. Everyman" are considered. Study aids are provided in terms of a jury duty workbook which help in analyzing individual and community problems related to human rights. This book would be useful in working with youth groups such as church organizations and Hi-Y. A teacher's guide is available.

28. Phillips, Ethel C. *You in Human Rights*, Publications Service, U. N.-U. S. A., 345 East 46 Street, New York, N. Y. 10017, single copies 85¢, reduction for quantity orders.

Background information related to the implementation of the Universal Declaration of Human Rights is given with special emphasis upon the role of both government and non-governmental organizations. The guidebook is organized to give help to individuals wishing to organize discussion groups. Direction is also provided for the training of group leaders and specific directions are provided for dealing with human rights topics such as jobs, education, public accommodations, housing, and freedom of expression. The object of all the activity is to reach the public in a meaningful way so that individual behaviors in the field of human rights will be changed.

29. Politi, Leo, *Juanita*, Charles Scribner's Sons, New York, 1948.

A Mexican-American child living on Olvera Street in Los Angeles is the heroine in this account which tells of her every-day and special holiday life. (5-8)

30. Politi, Leo, *Moy Moy*, Charles Scribner's Sons, New York, 1960.

The story describes how Moy Moy and her three older brothers celebrate Chinese New Year in Los Angeles' Chinatown.

31. Pope, Liston, *The Kingdom Beyond Caste*, Friendship Press, New York, 1957, 170 pp.

The author traces the history of prejudice and discrimination, showing that they have varied in pattern from age to age and country to country. The question of racist superstitions and differences in races is discussed. This author's concern with the involvement of the church in dealing with these and other problems is evident throughout the book.

32. Robertson, A. H. (ed), *Human Rights in National and International Law*, Manchester University Press, England 1967.

The editor, Head of the Directorate of Human Rights, Council of Europe, here presents the first extensive analysis, by prominent international lawyers, of the complex legal problems which result from the national enforcement of an international treaty, namely the European Convention on Human Rights.

33. Root, Robert, and Hall, Shirley W., *Struggle for Decency*, Friendship Press, New York, 1965, 176 pp.

Focusing largely on the religious forces at work in race relations, this book faces problems of accommodations and voter registration, providing illustrations. It takes the reader into problems of housing, employment, and education. It discusses the ways of our religious devisiveness because of race and describes attempts at reconciliation.

34. Schwelb, Egon, *Human Rights and the International Community*, Quadrangle Books, Chicago, 1964, 96 pp.

An excellent review of the roots of the Universal Declaration of Human Rights and of its growth during the first 15 years of its life. Published by B'nai Brith and the Anti-Defamation League, this publication makes an excellent contribution to the interpretation and understanding of the impact of the Declaration of Human Rights on international law and the development of constitutional government in the newer nations. An excellent reference book for use by all groups and all ages.

35. Seven, Bill, *Free But Not Equal*, Julian Messner, New York, 1967, 189 pp.

Free But Not Equal is the story of the people and events involved in the struggle for female suffrage. The personalities and achievements of

the women who were leaders in this movement are presented in easily read material.

36. Silverman, Mel, *Hymie's Fiddle*, World Publishing Co., Cleveland, 1960.

The adventures of Hymie, who lives, dreams, and plays on the Lower East Side which is one of New York's Jewish neighborhoods is an excellent story for the five to eight year old age category.

37. Stein, M. L., *Freedom of the Press*, Julian Messner, New York, 1966, 190 pp.

This author deals with some probing questions concerning the topic of freedom of the press. Questions such as "What is—and is not—libel? How do public relations firms and pressure groups operate? What influence do advertisers have in the shape of the news? etc." These and other questions are considered in 12 chapters ranging in content from factual material concerning how we get the news to highly controversial material concerning movies, books and morals.

38. Steiner, Jean-Francois, *Treblinka*, Simon and Schuster, New York, 1967, 415 pp.

Treblinka is the story of a Nazi death camp. The account of how Jewish prisoners planned and led an armed revolt at this camp is presented. The means used to subdue the Jews are analyzed as well as the means used by those who successfully revolted at Treblinka.

39. Swann, Darius Leander, *A House For Marvin*, Friendship Press, New York, 1957, 40 pp.

A one-act play about discrimination in housing in a small town. The church janitor who has been evicted from his home is given five thousand dollars by the church congregation to buy a new home. He decides to buy in a white neighborhood. Some problems and emotions are explored as members of the same congregation oppose this move into the white neighborhood.

40. Taylor, Sydney, *All-of-a-Kind Family*, Follett, Chicago, 1951.

Jewish immigrant family life during the early 20th century on New York's Lower East Side—good reading for the nine to eleven age group.

41. *Teaching Human Rights*, a Handbook for Teachers, 1963, United Nations, 79 pp. Price 35¢, Sales Section, United Nations, New York, New York 10017.

This study provides background information on work of the United Nations and UNESCO in the field of human rights. It touches on experiences and problems of various countries and presents miscellany of what dedicated teachers in different parts of the world have done to make the Universal Declaration more easily understood.

42. Waltrip, Lela and Rufus, *Quiet Boy*, Longmans, Green & Co., New York, 1961.

This is a well-told, suspenseful story of a Navaho Indian boy's effort to reconcile his tribal traditions and the 20th century, on New York's Lower East Side. (Nine to eleven age group).

43. Ward, Barbara E., *Women in the New Asia*, UNESCO Publications Center, 317 East 34 Street, New York, N. Y., 10016, 1965, $8.00.

This study tries to describe the impact of the new public status of women upon the private, domestic lives of both sexes in the various countries of South and Southeast Asia. Part I contains contributions of social scientists and personal autobiographical chapters concerning the following countries: Burma, Ceylon, India, Indonesia, Laos, Malaya, Pakistan, Philippines, Singapore, Thailand, and Vietnam. Part II contains a study of women's emancipation movements in Southern Asia and a demographic survey, with appendixes, and the existing states of women's rights in the countries concerned.

44. Webb, Muriel S. (ed.), *Wealth and Want in One World*, Friendship Press, New York, 1966, 126 pp.

A brilliant symposium describing human beings, nations, and races of the world as they struggle with the problems presented by the economic extremes of affluence and poverty. The many viewpoints of the contributing authors—all outstanding leaders from different professions, Christian traditions, and from three continents—help one visualize the world issues of today.

45. Wormser, Rene, *The Story of the Law*, Simon and Schuster, New York, 1962, 606 pp.

This volume begins the "story of law" before the Ten Commandments and brings it up through events as recent as the New Frontier and the

Eichman trial. Nine parts, covering the Jews; the Greeks; Socrates, Plato, and Aristotle; the Romans; The German Barbarians and the Feudal Law; the Churchmen; and Western Europeans; the English; the Americans; and the Internationals, present in layman's terms the story of how our present law evolved.

46. *Yearbook on Human Rights for 1968*, United Nations, New York, 1968.

A yearbook is published each year on constitutional, legislative, and judicial developments bearing on human rights.

B. FILMSTRIPS

Information on filmstrips may be secured by writing to one of the following:

1. International Film Bureau, Inc., 332 South Michigan Avenue, Chicago, Illinois 60604.
2. Society for Visual Education, Inc., Chicago, Illinois.
3. UNESCO Publications Center, 317 East 34th Street, New York, New York 10016.

C. PHONOGRAPH RECORDS

Folkways Scholastic Records, Englewood Cliffs, New Jersey.

1. Songs of the Suffragettes
2. Human Rights
3. The Nashville Sit-in Story
4. Freedom Songs: Selma, Alabama
5. We Shall Overcome.

D. TAPES

Center for the Study of Democratic Institutions, Box 4068, Santa Barbara, California 93103.

Information on the tapes available ($5.00 per program) may be obtained by writing the above.

E. TRANSPARENCIES

Citizenship Education based on Our *Democracy* Wall Charts, Denoyer-Deppert, Chicago.

This series of 66 transparencies and overlays, based on the Our *Democracy* series by Francis L. Bacon, considers such topics as rise of the common man since 1789, the agencies of justice and law, our heritage of freedom, growth of democracy in early America, our social and economic democracy, our democracy in contrast to the dictatorship (ideals and values), our democracy in contrast to dictatorship (ways of life), and many others. These charts or transparencies come complete with a student manual and a 16-page discussion outline built on an "agree-disagree" format, designed to encourage group participation and compel analysis and thought. There are also thought-provoking questions designed to stimulate discussion and the exchange of opinions and to arrive at conclusions. This set of visuals would be appropriate for the junior or the senior high school level.

SELECTED PUBLICATIONS OF THE NATIONAL COUNCIL FOR THE SOCIAL STUDIES

1201 Sixteenth Street, N. W., Washington, D. C. 20036

Bulletins

Bulletin No. 41 (1968), *World Civilization Booklist: Supplementary Reading for Secondary Schools*, by the World Civilization Booklist Committee of NCSS; Morris Gall and Arthur E. Soderlind, Co-Chairmen. $3.50.

Bulletin No. 39 (1967), *Productivity and Automation*, J. J. Jehring, editor. $2.50.

Bulletin No. 38 (1966), *Reading Guide in Politics and Government*, by Robert H. Connery, Richard H. Leach, and Joseph Zikmund II. $1.50.

Bulletin No. 37 (1965), *The Study of Totalitarianism: An Inductive Approach* (A Guide for Teachers), by Howard D. Mehlinger. $2.00.

Bulletin No. 35 (1964), *Improving the Teaching of World Affairs: The Glens Falls Story*, by Howard M. Long and Robert N. King. $2.00

Yearbooks

Thirty-Eighth Yearbook (1968), *International Dimensions in the Social Studies*, James M. Becker and Howard D. Mehlinger, editors. $4.50; clothbound $5.50.

Thirty-Seventh Yearbook (1967), *Effective Thinking in the Social Studies*, Jean Fair and Fannie R. Shaftel, editors. $4.00; clothbound $5.00.

Thirty-Sixth Yearbook (1966), *Political Science in the Social Studies*, Donald H. Riddle and Robert E. Cleary, editors. $4.00; clothbound $5.00.

Thirty-Fifth Yearbook (1965), *Evaluation in Social Studies*, Harry D. Berg, editor. $4.00; clothbound $5.00.

Thirty-Fourth Yearbook (1964), *New Perspectives in World History*, Shirley H. Engle, editor. $5.00; clothbound $6.00.

Curriculum Series

Number Thirteen (1968), *Bringing the World into Your Classroom: Gleanings from Glens Falls*, Mary Renaud, editor. $2.75.

Number Twelve (1965), *Social Studies in Transition: Guidelines for Change*, Dorothy McClure Fraser and Samuel P. McCutcheon, editors. $2.25.

Other Publications

The American Citizens Handbook (6th edition, 1968), Joy Elmer Morgan, editor. Clothbound $6.00.

Social Studies Readings No. 2 (1968), *Inquiry in the Social Studies,* Rodney F. Allen, John V. Fleckenstein, and Peter M. Lyon, editors. $2.25.

Social Studies Readings No. 3 (1968), *Structure in Social Studies,* Louis J. Hebert and William Murphy, editors. $2.25.

Promising Practices in Civic Education (1967), by Donald W. Robinson, *et al.* $4.00; clothbound $5.00.

Research Bulletin No. 3 (1967), *Political Socialization of American Youth: Implications for Secondary School Social Studies* (A Review of Research), by John J. Patrick. $2.50.

Orders which amount to $2.00 or less must be accompanied by cash. Shipping charges will be prepaid on cash orders, but orders not accompanied by cash will be billed with shipping charges included.

A complete publications list sent free on request.